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COMMITTEE PRINT

HUMAN RIGHTS CONDITIONS IN SELECTED COUNTRIES AND THE U.S. RESPONSE

PREPARED FOR THE
SUBCOMMITTEE ON INTERNATIONAL
ORGANIZATIONS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES
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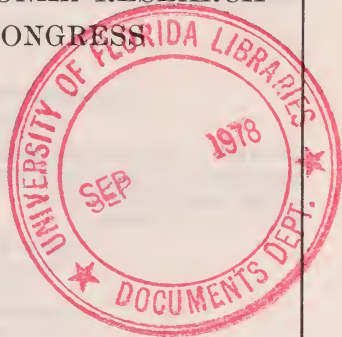


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FOREWORD

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C., July 25, 1978.

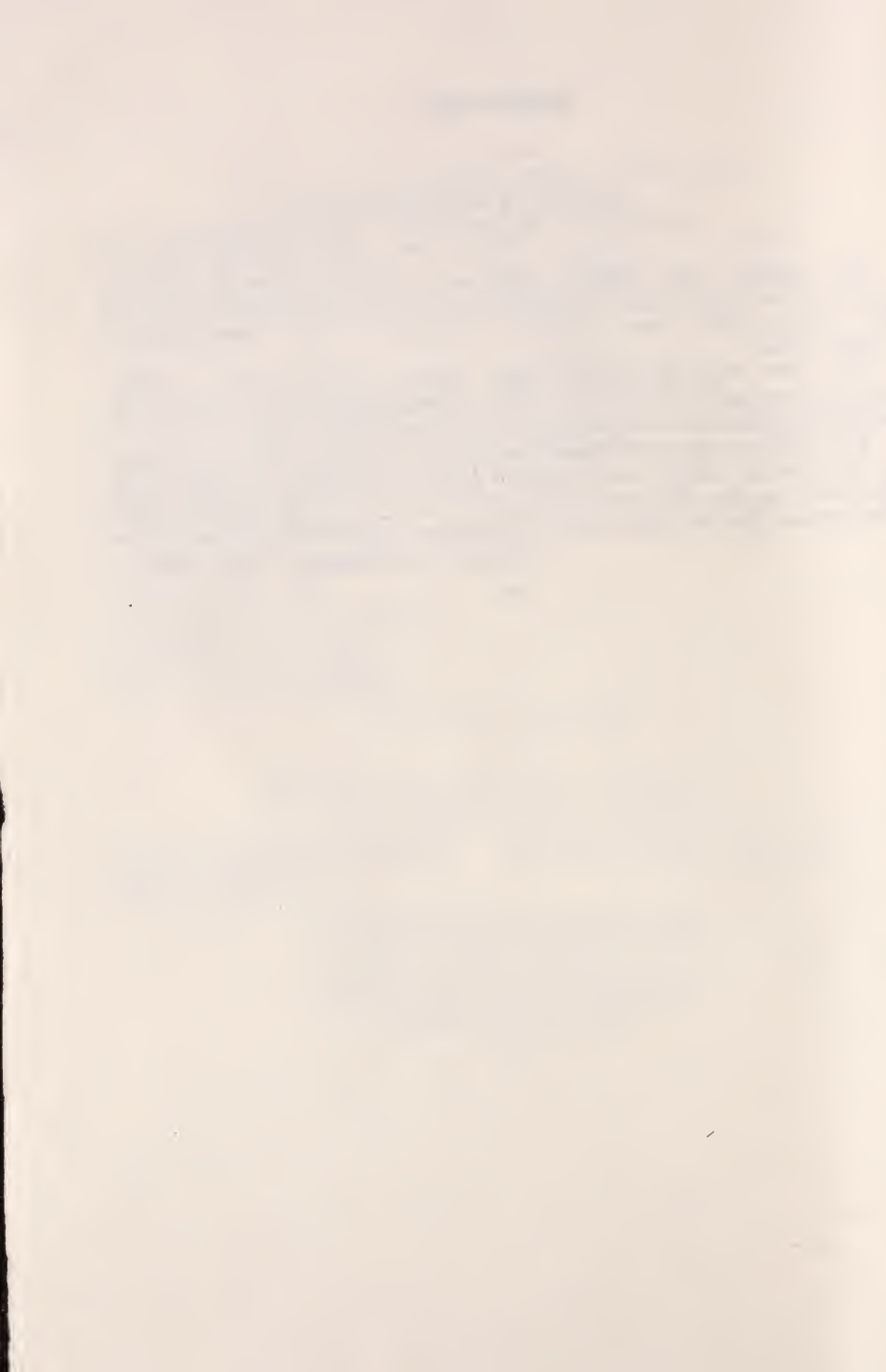
The human rights reports contained herein were prepared by the Congressional Research Service at the request of Congressman Donald M. Fraser, chairman of the Subcommittee on International Organizations.

Given the wide interest in human rights, these reports are being printed to assist Members of the Congress in their consideration of legislation relating to human rights and U.S. foreign policy.

The findings and conclusions contained in these reports are those of the Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress, and do not necessarily reflect the views of the members of the Committee on International Relations.

CLEMENT J. ZABLOCKI, *Chairman.*

(III)



LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C., July 25, 1978.

HON. CLEMENT J. ZABLOCKI,
Chairman, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am submitting this series of reports on human rights conditions in 19 countries and the U.S. response. These reports were prepared at my request on behalf of the subcommittee by the staff of Foreign Affairs and National Defense Division of the Congressional Research Service.

These reports are being submitted as part of the ongoing human rights activities of the Subcommittee on International Organizations.

Sincerely,

DONALD M. FRASER,
Chairman, Subcommittee on International Organizations.

LETTER OF SUBMITTAL

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., July 25, 1978.

HON. DONALD M. FRASER,
*Chairman, Subcommittee on International Organizations, U.S. House
of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This report on "Human Rights Conditions in Selected Countries and the U.S. Response, 1977," is submitted in response to your request for a CRS study that would help to identify and highlight some of the issues relating to executive reporting on human rights conditions. The congressionally mandated requirements for such reports, contained specifically in sections 116(d) and 502(B) (b) of the Foreign Assistance Act of 1961, as amended, raise questions concerning the adequacy of and usefulness of the submissions provided by the Department of State.

This report does not attempt a direct evaluation of the executive branch submissions. Rather, by preparing an independent set of studies of human rights conditions, it establishes one basis for evaluation of those submissions. The sampling of countries, which was based on criteria that are quite different from those contained in the legislation, provides a distinctive perspective on global patterns and may raise questions as to the appropriateness of additional or different means of identifying countries on which reports should be submitted by the executive branch. Finally, this report contains some discussion of issues that arose in the preparation of the country studies: problems of scope and coverage, problems of adequacy and verifiability of data, and problems of comparative analysis and interpretation.

The report was prepared in the Foreign Affairs and National Defense Division of the Congressional Research Service under the coordination of Vita Bite, analyst in International Relations. Country studies were prepared by Brenda Branaman, analyst in Middle Eastern and African Affairs; Clyde Mark, analyst in Middle Eastern affairs; Francis Miko, analyst in International Relations; Marjorie Niehaus, analyst in International Relations; Larry Nicksch, specialist in Asian Affairs; Richard M. Preece, specialist in Middle Eastern Affairs; William N. Raiford, analyst in International Relations; Roslyn Roberts, analyst in Foreign Affairs; and Robert Sutter, analyst in Asian Affairs. Charles H. Whittier, analyst in American National Government for the Government Division, was responsible for the study on the United States. Additional country studies were compiled by the following consultants: Elizabeth W. Dore; James P. Kiernan; Cressida S. McKean; Kathryn Johnston Shrivastava; and I. William Zartman. Stanley J. Heginbotham, specialist in International Politics, contributed to introductory and concluding analysis.

I hope that the elements of this report will be of value to the subcommittee in its ongoing efforts to strengthen the management of U.S. human rights-related activities.

Sincerely,

GILBERT GUDE, *Director.*

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INTRODUCTION*

The purpose of this report is to provide information and analysis that will facilitate evaluation of both the human rights reporting requirements established by Congress and the Executive's implementation of those requirements. Sections 116 (d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, require the Secretary of State to transmit annually to Congress reports on human rights conditions in countries that are proposed as recipients of economic and security assistance under the Act. In conjunction with submissions for the FY 79 budget, the Department of State submitted, on January 31, 1978, 105 country reports.

Many issues are raised by the reporting requirements and the Department of State's submissions:

- What specific patterns of behavior are referred to in the phrase "violations of internationally recognized human rights?
- How does one evaluate the relative severity of different types of violations?
- Is the informational base on which the human rights reports are developed adequate and relatively free of bias?
- Are the reports comprehensive and accurate?
- Do the reports reflect the biases of regional bureaus of the Department of State or the concerns of non-human rights policy imperatives within the Executive?
- Do the reports establish bases for comparative statements about-- or rankings of--human rights conditions in different countries?
- What of human rights conditions in--and implications for U.S. policy toward--countries for which reports were not required?

* Prepared by Vita Bite, Analyst in International Relations and Stanley J. Heginbotham, Specialist in International Politics.

Rather than ask the Congressional Research Service to try directly to answer these and the many associated questions that arise in relation to human rights reporting, the International Relations Committee of the House of Representatives suggested that CRS produce a set of independent country studies of human rights conditions. It was hoped that this exercise would yield several useful results. First, sample reports would be produced with which individual Department of State reports could be compared, with respect to definitions and scope of coverage, comprehensiveness, accuracy, balance, and objectivity. This is not to suggest that the CRS reports are necessarily "models" of reporting, but that they are free of the kind of bureaucratic pressures that arise when an agency with policymaking concerns produces research reports that are supposed to be independent of policy considerations. Second an independent approach to the coverage of countries would be developed providing perspective on the legislative formula for coverage of countries in the Department of State report. Third, some analysis of the problems and dilemmas of preparing and interpreting the reports generated within CRS would be provided.

Central to the preparation of these reports were questions of country selection, the scope of human rights considerations to be included, and consistency in research strategies and format. The following three sections of this chapter deal with these issues. Interpretation of these reports raises another series of questions and problems. Though the country studies are based on careful evaluation and analysis of available data, are those data of sufficient quantity, reliability, and comparability across countries to provide a useful basis for public policy formulation? Though the reports

provide useful impressionistic information on different countries, are not the patterns across countries so divergent as to defy easy generalizations about relative severity of violations from one country to another? And finally, though within certain categories of human rights considerations it is possible to measure relative levels of performance, to what extent, and in what ways, should the very different cultural, economic, and political backgrounds of various countries influence the standards of performance in respect for human rights that we expect them to achieve? These questions are explored in a preliminary way in the concluding chapter of this report.

Country Selection

This report contains studies of human rights conditions in nineteen countries. The size of the sample was dictated by resources available to CRS. The selection of individual countries was based on a concern for representation along three dimensions:

- countries from a variety of geographic regions,
- countries with different types of political systems, and
- countries that vary in the closeness of their relations to the United States.

Within these general terms of reference, countries where human rights conditions had been the subject of concern and controversy were selected. Since questions have been raised as to the appropriateness and advisability of making foreign policy issues out of domestic conditions in other countries when significant problems remain within our own society, the United States was included as a special case in the sample to facilitate consideration of that issue.

The procedure for country selection produced one striking consequence. Nine of the eighteen foreign countries included in this report are not included in the Department of State report. Four countries in our sample -- Cuba, the Peoples Republic of China, the U.S.S.R. and Vietnam--are communist nations that have not been recipients of U.S. assistance. Three others--Argentina, Brazil and Chile--have been major recipients in the past, but are not now, in substantial measure because of U.S. sanctions based on perceptions of human rights conditions in those countries. Finally, neither South Africa nor Namibia--the area known as South West Africa which South

Africa continues to control--has received U.S. assistance, in part because of the relatively developed character of the South African economy and in part because of U.S. concern about the human rights implications of South Africa's apartheid policies. The nine countries in this sample that are also in the Department of State report are El Salvador, Indonesia, Iran, Israel, Korea, Morocco, the Philippines, Thailand, and Zaire.

Definitions and Categories of Human Rights.

While human rights has become a much discussed issue in U.S. foreign policy neither Congress nor the Carter Administration has spelled out a clear, specific, universally applicable definition of human rights. In recent years Congress has played a central role in calling for consideration of human rights conditions in other countries as a factor in U.S. policy formulation and practice. Numerous congressional hearings have drawn attention to human rights violations in many areas. By legislation Congress has instituted various mechanisms aimed at assuring that U.S. foreign policy actions include consideration of the status of human rights in foreign countries. A Coordinator for Human Rights and Humanitarian Affairs (elevated during 1977 to Assistant Secretary of State for Human Rights and Humanitarian Affairs), to be appointed with the advice and consent of the Senate, was established within the Department of State. Human rights provisions were written into economic and security assistance legislation, including required annual and other reports on the status of human rights in countries receiving U.S. assistance. Assistance to certain countries has been limited or cut off on human rights grounds.

While Congress in the legislation thus far enacted has not enunciated a clear, specific definition or set of criteria for human rights, it has provided a framework for considerations of human rights issues. In setting forth the human rights policy of the United States, Congress repeatedly referred to "internationally recognized human rights." Thus, for example, the Section 502 B(a) of the Foreign Assistance Act of 1961, as amended states:

(1) It is the policy of the United States, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, to promote and encourage increased respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. To this end, a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries.

(2) It is further the policy of the United States that, except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

(3) In furtherance of the foregoing policy the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

Has Congress clarified what "internationally recognized human rights" might include? Using language often found in U.N. human rights resolutions, Congress has stated that "gross violations of internationally recognized human rights" included "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, and other flagrant denial of the right to life, liberty, or the security of person." These specific words have been repeated in almost all legislation relating to human rights. Thus Congress has clearly expressed concern about those human rights violations that place the integrity of the individual in immediate and serious jeopardy.

In setting forth the human rights policy of the United States, Congress, also referred to the "constitutional heritage and tradition of the United States." In addition the International Development and Food Assistance

Act of 1977 (P.L. 95-88) earmarked \$750,000 to be used for studies to identify and carry out programs which will encourage or promote increased adherence to the civil and political rights enunciated in the Universal Declaration. Thus the legislation clearly indicated a commitment to the usual civil and political procedural rights--freedom of speech, assembly, press and religion--on which Americans have traditionally placed special ^{1/} value.

Recent legislation prohibiting various forms of economic assistance to countries engaging in a "consistent pattern of gross violations of internationally recognized human rights" has been limited by the provision-- "unless such assistance will directly benefit the needy people in the recipient country." Thus Congress has acknowledged that to deny assistance to the world's very poor might in itself contribute to a denial of their right to fulfillment of the most vital of human needs--food, shelter, health and education.

Recent human rights legislation can be seen as having pointed toward three elements that appear to comprise what Congress has termed "internationally recognized human rights": civil and political rights, basic human needs, and integrity of the person. These same three elements

^{1/} During the 1977 Senate debate of the Foreign Relations Authorization Act, 1978 (P.L. 95-105), Senator McClure introduced an amendment which specifically included certain civil and political liberties in the definition of human rights in section 502B of the Foreign Assistance Act. The amendment defined human rights as including but not being limited to: consent of the governed, as evidenced by freely contested, periodic elections and the right of opposition parties to operate without hinderance; the rule of law; individual freedom; and minority rights. The Senate agreed to this human rights provision, but it was deleted by the conference committee.

have also been described by the Carter Administration as being included in its understanding of human rights. Secretary of State Vance at the University of Georgia Law School on April 30, 1977 identified them in the following terms:

First, there is the right to be free from governmental violation of the integrity of the person. Such violations include torture; cruel, inhumane or degrading treatment or punishment; and arbitrary arrest or imprisonment. And they include denial of fair public trial, and invasion of the home.

Second, there is the right to the fulfillment of such vital needs as food, shelter, health care and education. We recognize that the fulfillment of this right will depend, in part, upon the stage of a nation's economic development. But we also know that this right can be violated by a government's action or inaction--for example, through corrupt official processes which divert resources to an elite at the expense of the needy, or through indifference to the plight of the poor.

Third, there is the right to enjoy civil and political liberties--freedom of thought; of religion; of assembly; freedom of speech; freedom of the press; freedom of movement both within and outside one's own country; freedom to take part in government.

Both the Congressional formulations of human rights issues and the explicit human rights categories identified by Secretary Vance are consistent with a series of human rights identified in the Universal Declaration of Human Rights. That document, which was adopted unanimously by a resolution of the U.N. General Assembly on December 10, 1948, is perhaps the most widely accepted statement identifying human rights. Since it is neither a treaty nor an international agreement, the declaration does not place binding obligations on states. Rather, it was proclaimed by the General Assembly.

As a common standard of achievement [emphasis added] for all peoples and all nations," to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the people of Member States themselves and among the peoples of territories under their jurisdiction.

The Universal Declaration is of special significance both because of its general international acceptance and because Congress and the Executive have emphasized the obligation of the United States to protect and promote human rights as identified in international documents and agreements. Many articles within the Universal Declaration are generally perceived to be concerned with peripheral rights, but there are ample grounds and precedent for developing a set of categories of human rights out of those contained in the Universal Declaration.

For the purposes of this report, therefore, twelve specific rights-identified in the Universal Declaration have been selected, falling within the general categories of freedoms from government violations of the integrity of the person, rights to fulfillment of basic human needs, and rights to enjoy civil and political liberties. Though any such selection is in some measure arbitrary, an effort was made to reflect concerns that have been expressed in Congress, the categories identified by the Carter administration, and some sensitivity to concerns that categories be broadly perceived throughout the world as central human rights. The specific categories as formulated in the Universal Declaration are discussed in the context of report format in the following section.

Format for Country Reports and Guidelines for Authors.

1. Integrity of person.

The right to be free from government violation of the integrity of the person has been enunciated in many articles of the Universal Declaration. We have chosen to look at the following four articles which seem most directly to address the rights which Congress specified in citing "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person," as being included in "internationally recognized rights."

Article 3. Everyone has the right to life, liberty and security of person.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Analysts preparing the specific country studies were asked to use Amnesty International materials as their initial source for this section on integrity of the person. Amnesty International (AI) is an international non-governmental organization which works for prisoners of conscience who have not advocated or used violence. By statute the organization's aim

is to oppose the detention of any political prisoners and the imposition or infliction of cruel, inhuman or degrading treatment or punishment of detainees. Amnesty International collects and publishes information with respect to integrity of the person in many countries of the world, and so was chosen as a source of information on the same type of human rights in various countries. The analysts were, of course to go beyond the Amnesty data drawing on all available conventional sources--press accounts, reports of human rights organizations, official documents, etc. assessing and corroborating to the extent possible available data on the status integrity of the person in a given country.

2. Basic human needs.

Again a number of articles in the Universal Declaration list basic economic and social rights. We have chosen to look at the following two articles:

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Analysts preparing the country reports were instructed to use the Overseas Development Council's physical quality of life index (PQLI) in conjunction with the gross national product (GNP) per capita as an initial measure of how well basic human needs were being met in a given country. The PQLI is a rough composite measure of life expectancy, infant mortality and literacy rate on an index of 1 to 100. For further discussion and analysis of the PQLI see appendix.

3. Civil and political liberties.

Many articles in the Universal Declaration list civil and political liberties. We have chosen to look at those which set forth the right to information, to geographic mobility, and to organize and participate in the making of official governmental kinds of decisions.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Analysts were asked to answer the following questions relating to freedom of information--who controls the press, publications, and the media; does some sort of censorship exist; are foreign publications, broadcasts, journalists allowed in the given country; and are universities free of government

control. Relating to freedom of movement, the following questions were to be addressed--is internal migration allowed; does a pass system exist; is emigration allowed; are there cases of forced internal migration, is banishment or exile used as a punishment; and are there large numbers of refugees reflecting general dissatisfaction with conditions in the given country. Finally relating to the right to organize and participate in the making of official governmental kinds of decisions--who participate in government decision-making, one party, military or other type of clique; are elections held, what procedures are followed; is any sort of dissent tolerated, and may one choose not to participate in government sponsored organizations and activities.

Lastly the analysts were asked to describe/discuss the U.S. policy (both Executive branch statements and actions as well as congressional actions) response to the human rights situation in the given country.

Problems in evaluating and interpreting country reports.

In attempting to evaluate and interpret these country reports, readers must be aware of a number of serious problems including inadequacy of information, biases in coverage, lack of criteria for performance standards, difficulty of establishing reasonable levels of expectations, lack of accepted priorities among rights, and factors other than human rights which may have important effects on the human rights situation in a given country. The concluding chapter of this report describes and analyzes these problems in greater detail.

ARGENTINA*

Introduction

Few countries in the world have experienced a deterioration in human rights conditions comparable to that felt in Argentina in recent years. Faced with an economy that had been severely disrupted and a political process that had become ineffectual and was characterized by intense factional and ideological conflict and rampant terrorism, a new military junta used its martial law powers freely to control the opposition, impose drastic changes in economic policy, and limit political activities. The result has been a regime that has drawn charges that arbitrary imprisonment, murder, torture, and disappearances have been widespread, economic deprivations have been suffered by the populace, and almost all vestiges of democratic process have been suspended. The junta denies responsibility for some of the more extreme results; it argues that its policies and actions have been necessary to restore civic and economic order and to eliminate a serious threat to the country from domestic communism. It is perhaps too early to determine any progress the junta may be making toward achieving its goals.

Violations of human rights in Argentina have been reported and protests have been made by such bodies as Amnesty International, the U.N. Commission on Human Rights, The National Council of Churches, The World Council of Churches, The U.S. Catholic Conference, The B'Nai Brith Anti-Defamation League, The AFL-CIO, The Executive Committee of the International

* This section was prepared by Elizabeth W. Dore, Consultant.

Labor Organization, The Council for Hemisphere Affairs, and The International Commission of Jurists. The sources for this report are primarily the reports of and testimony presented to these organizations, as well as the reports of the Argentine Commission for Human Rights, the Washington Office on Latin America, and the Center for International Policy. While these organizations have compiled reports that are for the most part well documented and extensive on the human rights situation in Argentina, the precise number of violations, such as the number of persons who have disappeared or who are being indefinitely detained without charge, cannot be ascertained because of problems of access to information within the country.

Several organizations exist within Argentina whose purpose is to monitor and speak out on the human rights situation. The most active of these is The Permanent Assembly for Human Rights, which operates legally. The Assembly includes Catholic Bishops, and professionals, as well as trade union and political leaders. The Assembly has openly denounced the constant violations of human rights since the 1976 coup. It has published partial lists of prisoners, as well as evidence of the disappearance of numerous people, and has asked the government for more information on the prisoners and the disappeared persons, but without official response. The Vice President of the Permanent Assembly, Alfredo Bravo, the Secretary-General of the Teacher's Union, was kidnapped. Following international pressure the government acknowledged that he was being held prisoner, and he has now been held for six months. The Assembly has traditionally placed advertisements in newspapers publicizing the disappearance of a person and

requesting information on the case from the government. In the last several months the Assembly has experienced more difficulties in publishing these ads, which are now rejected by the newspapers.

The Permanent Assembly for Human Rights works closely with another legal human rights organization, The Argentine League for Human Rights. A third organization in Argentina devoted to the protection of human rights is the Movimiento Ecumenico Por Los Derechos Humanos, which also operates legally. This organization is comprised predominantly of Church groups and devotes its resources to providing both legal assistance and direct help to the victims of the repression.

The Argentine Military Junta has repeatedly refused to release a list of detained persons, "for reasons of security." ^{1/} The junta has also refused to cooperate in any significant way with fact-finding missions such as that of Amnesty International, which sought to clarify human rights conditions in Argentina in discussions with members of the government.

In recent decades Argentina has had a turbulent political history. Since the 1930 revolution headed by General Jose Felix Uriburu, the armed forces have frequently intervened in political affairs. Since 1930 ten of the thirteen presidents have been military officers. The present Argentine Military Junta came to power on March 24, 1976 through a coup d'etat which overthrew the government of Isabel Martinez de Peron.

^{1/} Statement of General Videla, London Times, April 20, 1977.

Mrs. Peron had become president on the death of her husband, Juan Peron, on July 1, 1974. Her government was soon accused of massive corruption, of economic mismanagement and inability to deal with raging terrorism.

Lt. General and Commander-in-Chief of the Army, Jorge Rafael Videla, became the President and the head of a three man military junta. Upon assuming power the military junta disposed of all democratic institutions. The National Congress, provincial legislatures and municipal councils were dissolved; the power of all civilian authorities and elected officials abrogated; all political parties suspended; all political activity was declared illegal; the members of the Supreme Court and lower courts were removed and the judiciary replaced by military tribunals; and trade union activity was outlawed. The military junta now rules by decree. The constitutional structure of the separation of powers into executive, legislative and judicial branches has been in abeyance since the coup. The junta justifies its suspension of constitutional guarantees on the grounds that the country is involved in a massive war against insurgents.

According to the reports of all concerned organizations, especially the most recent report of Amnesty International released on September 21, 1977, and the report of the Argentine Commission on Human Rights released on November 10, 1977, the human rights situation in Argentina did not improve during 1977.

Integrity of Person

Arbitrary arrest and detention are commonplace in Argentina today. Amnesty International estimates that at least 15,000 persons, or one out of every 1,000 adults, have disappeared in the last two and one half years. They have been abducted by both uniformed men and men in civilian clothes who often identify themselves as members of the military or the police forces. The government claims to have no knowledge of the situation of the victims, and usually they are not acknowledged as being under detention. While many of the disappeared persons are now presumed to have been killed, it is estimated that 6,000-8,000 of them are being held at unofficial military camps. They are not officially recognized by the authorities as political prisoners. In addition, as of September 21, 1977, Amnesty International estimates that there are about 8,000 political prisoners recognized as such by the government. Of these, more than 6,000 have never been charged or brought before a court of any kind, but are detained indefinitely at the disposal of the Executive. All writs of habeas corpus since the coup have been denied, and those detained are usually not allowed to see lawyers. The number of persons currently detained--both as recognized and unrecognized prisoners--who rarely have access to legal recourse is estimated between 14,000 and 15,000, or 9-10 persons per 10,000 adults.

Argentine government officials have explained that only by conducting a widespread purge can the government free itself from what it considers to be the scourge of a worldwide political subversive movement threatening

to destroy Argentina. Thus President Videla stated that he had "an absolute conviction that in order to have human rights for the majority in Argentina, we are struggling against a minority which does not deserve to be called Argentine." Thus he described the enemies of Argentina as "authors of political subversion ...who do not use bombs, but who create far more damage because they destroy the mind." In the context of such a total struggle anyone who disagrees "with our way of life" must be detained.^{1/}

Those few prisoners who have been allowed access to judicial proceedings find their rights severely curtailed. All proceedings are conducted under military law by military tribunals chosen by the government. The death penalty has been re-instituted and now, according to law, can be invoked for many crimes including "disturbing the public order." Prisoners permitted to consult lawyers allegedly find it difficult to secure legal advice since the lawyers who have represented political prisoners have found themselves targets of repression. Critics of the regime claim that more than 100 lawyers have disappeared in eighteen months, and many others have gone into exile. One estimate asserts that only 2% of the political prisoners have lawyers.

Studies of the human rights situation in Argentina generally agree that torture has become institutionalized in Argentine prisons, official jails, and unrecognized detention camps. The reports of numerous international organizations indicate that persons who have been abducted or

^{1/} London Times, April 20, 1977.

detained, whether recognized as prisoners or not, are often subject to severe, systematic and scientific torture. The estimate of the number of people tortured is 22,000 persons, or 14 persons per 10,000 adults. Amnesty International maintains that "there does not appear to have been any serious attempt by the Argentine government to stem the use of torture." ^{1/} Evidence indicates that the systematic use of torture did not abate during 1977.

Argentine government officials have acknowledged excesses in their "bloody, dirty war" to combat ruthless subversion. ^{2/} Some Argentine officials have reportedly acknowledged that "you need to torture 10 people to know that 5 are terrorists." ^{3/} Given that the military government had to fight rampaging terrorist extortions, kidnappings, and murders, many officials feel that ruthless measures were necessary, and that indeed despite such measures the military are fighting for human rights in Argentina.

Although precise data on political assassinations in Argentina are unobtainable, it is generally agreed that incidence is high. Estimates of the number of deaths between October, 1975 (when this emerged as a serious problem) and December, 1977 are between 4,000 and 6,000. This suggests that between 2.5 and 3.8 persons per 10,000 adults were killed

^{1/} Amnesty International, Report of an Amnesty International Mission to Argentina, November 6-15, 1976, p. 36.

^{2/} Interview with aide to President Videla by Ernest Conine, Los Angeles Times, March 6, 1977.

^{3/} Quoted by Ysabel Trujillo, Chicago Tribune, October 22, 1977.

during this period. Official government statistics list the number of people who died in political violence in 1976 as 1,354.^{1/} The Argentine government ascribes a majority of the deaths to armed confrontations between leftists and the military, or to the shooting of prisoners attempting to escape. Considerable doubt has been voiced by many lawyers, members of the church and journalists about the truth of these official reports, and many believe that the majority of the deaths result from the actions of members of the security force, either as summary executions or the end result of torture.

The Argentine Government acknowledges that excesses have occurred, but states that the higher purpose is to eliminate what is perceived to be a serious communist threat. Dr. Jose Martinez de Hoz, Minister of the Economy in an interview admitted that people had been disappearing in Argentina often as victims of private "anti-terrorist" groups, however, he defended this as a defensible reaction to activities of terrorist groups whom he accused of beginning the cycle of violence.^{2/} President Videla in an interview with Los Angeles Times reporter, Ernest Conine conceded that excesses sometimes occur, because the war against terrorism is fought by small military and police units made up mostly of "young people very impulsive, very vehement, low in rank, who do not always have the serenity of the adult person."^{3/} He said, moreover, that his government is striving with some success to bring the problem under control.

^{1/} Amnesty International, Report of an Amnesty International Mission to Argentina, November 6-15, 1976, p. 33.

^{2/} London Times, September 16, 1977.

^{3/} Los Angeles Times, March 6, 1977.

Basic Human Needs

Argentina has traditionally been recognized as one of the most advanced developing countries, and its people have historically enjoyed a relatively high standard of living. It is generally recognized that the economy was badly managed under Mrs. Peron, and the economic efforts to control inflation have imposed severe hardships on middle and lower income groups. Argentina's inflation rate--347.5% in 1976--is one of the highest in the world. For the first six months of 1977 the official figures for the annual rate of inflation was 53%, but members of the Argentine business community declare that this does not describe the actual situation, and argue that the inflation rate for 1977 will reach 200%^{1/}. The removal of price ceilings and the freezing of wages has meant that real wages are lower than they have been since 1950. The official estimate is that there has been a 60% decline in the purchasing power of wages in the last year and one half. The fall in real wages is combined with a high unemployment rate. In 1976 the official unemployment rate was 9.5%, and despite government statements that it has fallen, there are few indications that the employment picture has improved. The government itself announced large scale lay-offs of public employees in 1977.

The decline in real wages has had a serious effect on the standard of living of the majority of the Argentine people. Some sources indicate

^{1/} Latin American Economic Report, August 26, 1977.

that in 1976 the consumption of food dropped by 40% and purchases of clothing by 50% reflecting the 300% rise in the price of clothing.

Reportedly the quality and accessibility of medical care has deteriorated significantly: several hundred physicians have been dismissed from state hospitals, and the staffs of all public hospitals have been reduced. Along with this, charges have been imposed for medical care and medicines at all state hospitals. The government has declared that psychiatry fosters subversion and is attempting to eliminate the psychiatric profession. Departments of psychiatry within medical schools have been closed, psychiatric divisions of hospitals reduced to 10% of their previous capacity, public mental health centers closed, and numerous psychiatrists and social workers disappeared.

The Physical Quality of Life Index for Argentina as compiled by the Overseas Development Council, is 84, based on data for the mid-1970's. The recent deterioration in the standard of living and health care in Argentina is not reflected in this index. It is impossible to present precise current data regarding infant mortality and health, since the junta has not published its vital and health statistics.

Civil and Political Liberties

The Argentine Military Junta has constrained the public's right to information and freedom of opinion. Immediately after the coup it announced "all dissemination through the mass media of the personal opinions of those persons without specific permission to speak on matters of public interest is to be avoided." The junta established a Bureau of

Public Information to censor all materials before they could be published. A recent report of the International Association of Writers reported that all of the major radio and T.V. stations were owned by the state and totally subject to the military. The report also said that the censorship that is enforced is both direct government censorship--seen in the frequent closing of newspapers, magazines and other organs of the media--and self-censorship fostered by the severe repression directed against journalists and writers. Furthermore, the report estimated that 200 journalists have disappeared, been killed, or are being indefinitely detained with no formal charges against them. ^{1/} According to a report by the International Affairs Division of the AFL-CIO, based on its fact-finding mission to Argentina in October, 1977, "the Argentine press has been muzzled, occupied, and usurped by the military."

President Videla has described freedom of the press as an ultimate goal of his government. "We expect to achieve a system with a completely free press. We have largely achieved it, although the state keeps responsibility for some news media, because we are on the way to free press but we haven't got there yet. Far from it." ^{2/}

Jewish organizations in Argentina and elsewhere have expressed concern that the government has deliberately picked on Jews and made use of anti-semitic propaganda. Such concerns were strengthened following the

^{1/} P.E.N. (International Association of Writers). Freedom to Write: Global Report. New York, Oct. 28, 1977.

^{2/} La Macion, March 6, 1977.

the arrest of Jacobo Timerman, Zionist and former publisher of the once independent newspaper La Opinion. The allegations of anti-semitism have been denied by the Argentine government.^{1/}

While people have the right of freedom of movement, this right is circumscribed by controls which exist in all public places, on all highways, and on all railroads. Argentines are, by law, free to emigrate, although many have been detained while attempting to leave the country. It is estimated, that thousands of Argentines are political emigres in the strict sense, and thousands more have left the country because of economic conditions.

The Argentine constitution provides that in a state of siege, persons indefinitely detained without charge are given the "Right of Option"--the right to leave the country. This right was revoked after the coup. In September, 1977, the military junta announced that it was restoring the Right of Option, with the qualification that this right would not be extended to persons whom the military junta believed to be a threat to the national security, raising the charge that, in fact, the Right of Option remains suspended.

Prior to the military coup, many political refugees from neighboring Latin American countries sought asylum in Argentina. The maximum number allowed to register is 12,000 but it is estimated that there are 20,000 refugees presently in Argentina. They too allegedly have often been

^{1/} Interview with Jose Martinez de Hoz, Argentine Minister of the Economy, London Times, September 16, 1977.

the targets of kidnappings, assassination, and arbitrary detention. There have been reports of coordination among the security forces of Argentina, Chile and Uruguay; and, world-wide attention was drawn to this possibility when two prominent former Uruguayan Senators, Zelmar Michelini and Hector Gutierrez Ruiz, and former Bolivian President Juan Torres, were kidnapped and murdered in May, 1976. The U.N. High Commissioner for Refugees and the International Commission of Jurists have expressed extreme concern about the condition of refugees, and recommend their immediate resettlement in other countries.

The citizens of Argentina are not permitted to participate in the government in any democratic way. There are no elections, all political parties have been suspended (and several declared illegal), and all political activity has been forbidden. All executive and legislative powers are exercised by the junta which has one representative from each of the armed services. The only other government body is the Legislative Advisory Commission, a group also composed of military officers. The current legal structure is based on decrees issued at the time of the coup. All rights of freedom of association have been suspended. This includes not only all trade union activity, but most professional and management association activities as well. All dissent is forbidden, and all forms of dissent are now considered subversion.

According to military spokesmen the Argentine republic's reorganization--rebirth--requires the unquestioning, united effort of every true Argentine. Thus Navy Commander Admiral Eduardo Emilio Massera in a Buenos

Aires television broadcast on March 6, 1977 stated that "this effort has to be made by everyone. Each civilian must be a combatant. The country is calling for a general mobilization of all its reserves, and no one has the right to refuse this appointment with his fatherland. No man, no woman is more or less important than another in these decisive times. Here, protected by the memory of those who founded the fatherland, the men of arms demand the active presence of every civilian."^{1/} According to the decrees issued following the coup, subversion now applies to anyone seeking reform "by means other than those contained in the rules governing the country's political, economic and social life," and these rules are those decrees which invest absolute power in the hands of the junta. Since all strikes are prohibited, worker protest often takes the form of slowdowns or the disruption of production. According to an AFL-CIO report, such labor unrest is now viewed by the Argentine Government as subversion and the workers involved are considered terrorists.^{2/}

Recent press reports indicate that tensions within the ruling junta are increasing. Informed sources are cited as generally describing President Videla as a moderate who perhaps should be supported. In this view, if Videla's power decreased, the human rights situation might deteriorate even more, with the increase in power of more hardline military elements

^{1/} Foreign Broadcast Information Service, Latin America, March 7, 1977: B2-B3.

^{2/} Report on Human Rights and the Situation of the Labor Movement in Argentina, International Affairs Division of the AFL-CIO, November, 1977.

favoring even harsher measures against all dissent. Navy Vice Admiral Luis Mendla, considered an advocate of more stringent measures has stated that the government must "continue to fight until the ideologists, the corrupt and false leaders, the economic criminals, and the pastors who helped irritate matters, are eradicated from the political, social, spiritual, economic, cultural, and educational life of the country."^{1/}

U.S. Policy Response

The Argentine Military Junta's policies toward human rights have been initially acknowledged in U.S. policy. In February, 1977, for example, Secretary of State Cyrus Vance announced that the Carter Administration decided to reduce the Security Assistance Program budget for Argentina for FY 78 from the \$32 million recommended by the Ford Administration to \$15.7 million, explicitly linking the decision to violations of human rights by the Argentine regime. Specifically, the recommendations was to eliminate \$15 million in Foreign Military Sales (FMS) credits. This would leave available to Argentina \$15 million in FMS credits, and would not affect the \$700,000 which has been recommended for Military Education and Training, the cash sales, the U.S. advisors and the unexpected \$54.4 million in the pipeline. The military junta responded by announcing that it considered the U.S. move an interference in Argentina's internal affairs, and rejected the \$15 million left in the Security Assistance Program for FY 78.

^{1/} Quoted in Chicago Tribune, January 19, 1977.

This initiative by the Carter Administration was well received in both Houses of Congress. In May, 1977, the House International Relations Committee recommended that the \$15 million in FMS credits which remained in the budget be cut in the Foreign Aid Authorization bill. In June, the House reaffirmed the \$15 million cut in FMS credits and voted to end the U.S. military training program for Argentina on an amendment to the FY 78 Foreign Aid Appropriations bill offered by Representative Edward Roybal. Also in June, 1977, Senators Kennedy and Church introduced an amendment to the 1977 Security Assistance bill to stop all FMS credits, FMS cash sales, military training, and commercial sales to Argentina. As adopted, the amendment postpones the cut-off of all forms of military assistance to Argentina to FY 79.

The strong opinion in both Houses of Congress that no military aid should go to Argentina is reflected in the final legislation, The International Security Assistance Act of 1977 (P.L. 95-92), which prohibits all military assistance and sales to Argentina after September 30, 1978. This includes loans, training and cash and commercial sales of weapons and material. Additionally, in FY 78 there are to be no U.S. loans to Argentina for weapons purchases, nor will there be any money available for training of Argentine personnel.

Assistant Secretary of State for Inter-American Affairs, Terence A. Todman, visited Argentina in August, 1977, met with President Videla, and announced that he believed that the human rights situation is improving. Secretary of State Cyrus Vance was in Argentina November 21-22, 1977,

and, as reported in the world press, delivered to the Argentine authorities a list of 7,500 political prisoners currently detained. This list, compiled by the Argentine Information Service Center, is a partial list of the estimated 15,000 political prisoners. It was delivered with the hope that the Argentine government will publish a list of all political prisoners.

BRAZIL*

Introduction

Since the overthrow of the Goulart government in 1964, the military has governed Brazil autocratically with but a shadow of civilian participation. A series of decrees have given the president the power to modify the constitution and annul any law in the interest of national security. While a new constitution was promulgated in 1967 and modified in 1969, decree law constitutes the legal framework in which the government functions. Congress has had little power. Civil liberties have been curtailed and political parties abolished. In their place, tolerated politicians were regrouped into two political parties: the pro-government National Renovating Alliance (ARENA) and the legal opposition, the Brazilian Democratic Movement (MBD). Under the comprehensive security laws, the organization of any other political group is an act of subversion. Judicial independence has not always been respected and legal guarantees -- most importantly habeus corpus -- remain suspended.

During what has been described as the most repressive period of military rule (1968-73), there were persistent reports of human rights violations. Organizations attached to both police and military forces at the state and national levels were accused of torturing thousands of political dissidents. World attention focused on Brazil in 1972 when Amnesty International issued a report which identified 1,081 persons who had been arrested and allegedly tortured. ^{1/} In 1975-76 several prisoners including a noted journalist, Valdimir

* Prepared by James P. Kiernan, Consultant.

^{1/} Amnesty International. Report on Allegations of Torture in Brazil. London, 1972.

Herzog, died while being detained by military police. Although officially all had committed suicide, there was such a great public outcry that President Ernesto Giesel dismissed the army commander responsible and ordered police to stop the torture of prisoners. ^{1/}

In the past two years reports about of Brazil have paled in comparison to more vivid and frequent reports of political violence in neighboring countries. Observers have noted a significant decrease in the incidence of reported torture. However, allegations of human rights violations continue. Recognized torture centers, the army's Departamento de Operacoes Internas (DOI) in Sao Paulo and its counterparts in other cities, continue to function. ^{2/}

When Ernesto Giesel, the fourth military president, came to office in 1974 he instituted a program of liberalization which has moved with an uncertain and uneven pace. One clear impact, however, has been on the press, most of which is no longer subject to pre-publication censorship. The lessening of control has permitted increased criticism of the regime, including more open reporting of human rights violations. The prominent Jornal do Brasil, for example, recently published the latest in a series of documents smuggled out of prison, a letter by fifteen political prisoners that described how they had been systematically tortured by military police. ^{3/}

^{1/} The Amnesty International Report 1975-1976. London, 1976, pp. 89-92.

^{2/} New York Times, Jan. 10, 1977, and Larry Rohter. Brazilian Prisoners' Torture Claim Stirs Rights Issue. Washington Post, Nov. 1977: p. 16.

^{3/} Presos politicos divulgam carta denunciando torturas. Jornal do Brasil, Oct. 27, 1977, p. 20.

The comparative ease of gathering information about human rights violations in Brazil testifies to both the improved situation and enduring political repression.

Integrity of Person

The 1976 annual report of Amnesty International indicated that there were "around 700-800" political detainees. The estimate for 1977 is approximately 200. ^{1/} This does not include the thousands arrested during student demonstrations since May 1977. Most were released within several days but many of the student leaders are still being detained in Rio de Janeiro, Sao Paulo and Brasilia. Amnesty International has received several reports of torture and some students have been sentenced to long prison terms. ^{2/} The Partido Comunista Brasileiro (the Communist Party) and the Maoist Partido Comunista do Brasil have been the particular targets of security police and members detained in 1977 have reportedly been tortured. ^{3/} However, many of those detained were members of the legal opposition, MDB. Arbitrary arrest while less frequent, is still common.

Since 1968, The Brazilian Catholic Church has become increasingly critical of government violations of human rights. In November 1976 the National Conference of Brazilian Bishops (CNBB) condemned the military's "rule of

^{1/} Amnesty International, Cable to Amnesty International, New York, Oct. 21, 1977.

^{2/} Amnesty International News Release, July 22 and Aug. 1, 1977.

^{3/} Ibid., Jan. 5 and Feb. 2, 1977.

force" and the ideology that national security be placed above personal security. ^{1/} The CNBB has claimed that the military government is responsible for a climate of "arbitrary violence and fear." ^{2/} With the apparent decrease of political torture, the church has advocated a wider protection of human dignity. The International Congress of Catholic Jurists for Peace and Justice condemned the "dehumanizing and degrading treatment of common delinquents" in Brazil, especially minors. ^{3/} Similar is the testimony of two American missionaries, Thomas Capuano and Rev. Lawrence Rosenbaugh. Arrested in Recife in May 1977 while collecting for the poor, they were held for four days in a small concrete cell with 15 other nude prisoners. Meeting with Ms. Rosalynn Carter during her June trip through Brazil, they described the brutal treatment of adolescents and other non-political prisoners that they claimed to have witnessed. ^{4/}

Another human rights concern of the church has been the treatment of the indigenous population of the Amazon. The massive governmental effort to develop the Amazon region has involved violent clashes between Indians, settlers and land developers. Minister of the Interior Rangel Reis has declared that Indians, wards of the state with legal rights to occupancy but not ownership of their lands, would be rapidly integrated into Brazilian

^{1/} Brazil's Bishops Condemn Military Regime. New York Times, Nov. 20, 1976.

^{2/} The Christian Requirements of a Political Order. Latinamerican Press, Mar. 17 and 24, 1977, pp. 3-6 and 3-5, 8, respectively.

^{3/} Missao constata torturas. O Estado de S. Paulo, Mar. 2, 1977.

^{4/} Capuano, Thomas. Scenes and Echoes of Torture in Brazil. New York Times, Sept. 1, 1977, p. 31.

society. The church's National Missionary Council (CIMI) has condemned as genocide the government plan to reduce the Indians living in their native state to 20,000 from the current estimate of 220,000-350,000. The CIMI's organization of Assemblies of Native Chiefs to defend their lands and cultural identity has been labeled Marxist-Leninist subversion by the government.^{1/} Although the order that all missionaries withdraw from Indian areas has been rescinded, several foreign missionaries have been forced to leave Brazil.

Amnesty International has raised the question of Brazil's responsibility for human rights violations of foreign nationals in Brazil and the extent to which that security forces of Latin American governments cooperate in the covert arrest and repatriation of political exiles. Two Argentine socialists, Miguel Ricci and his wife Elisa Ricci, when faced with arrest by security forces in the town of Rosario, fled to Brazil. Arriving in Sao Paulo, they were arrested; their whereabouts is unknown.^{2/}

Economic Policy and Human Needs

Brazil's accelerated rate of development has been called an "economic miracle." Between 1964 and 1975 the growth of GNP was greater than 10 percent per year. Rapid industrialization and expansion of non-traditional exports were essential priorities. The government has stressed the development of hydroelectric and now nuclear power, energy sources needed to propel

^{1/} Manchester Guardian, Jan. 9, 1977, p. 19 and Latin American Political Report, Jan. 14, 1977. p. 17. Henceforth cited as "LAPR."

^{2/} Amnesty International News Release, Jan. 14, 1977.

Brazil to great nation status in the next century. However, in the last three years, economic growth has slowed and it seems doubtful that Brazil's exceptional development will be maintained.

Mounting balance of payments problems, spurred on by the service on a huge external debt, trade deficits and the crippling cost of imported oil, have severely limited Brazil's ability to import the goods necessary to sustain high levels of internal consumption and a rapid rate of development. Some businessmen are now calling for the return of civilian rule; the middle-class base of the regime is shrinking. ^{1/}

The military regime has, in part, justified exceptional security measures and political repression as a necessary prerequisite for rapid development. This has entailed rigid control of labor unions and containment of wage demands. By design, minimum wage adjustments have lagged behind consumer prices. The Brazilian minimum wage (U.S. \$ 60 to 70 per month, regionally adjusted) is an important economic indicator; salaries for most non-agricultural employment, in either multiples or fractions, are based on it. There is evidence that the real minimum wage has steadily declined since 1965 and that income distribution is more unequal now than it was before the military coup. The poorest 40 percent of the population earn only 10 percent of the national income. ^{2/}

^{1/} LAPR, Sept. 9, 1977, pp. 278-9.

^{2/} Singer, Paul. A Crise do Milagre. Sao Paulo, 1974, pp. 58-60.

The wage squeeze has worsened in the last three years as the rate of inflation doubled to near 50 percent. Reportedly 70 percent of a laborer's wage is used to buy food. Demands for pay raises have increased. Although strikes are prohibited, there has been at least one work stoppage (of bus drivers) in Sao Paulo. ^{1/}

While Brazil's GNP/capita grew at an impressive annual rate of 6.3 percent between 1964-75 a large sector of the population did not share in this development. One of the poorest regions of Latin America, the Brazilian Northeast contains 30 percent of the population. There the GNP/capita was half the national average and infant mortality was twice as high. Accelerated urbanization, particularly in the South, has resulted in sprawling slums, with few social or sanitary services. Brazil registers a mediocre score (68) on the ODC's Physical Quality of Life Index. While the economy has grown, infant mortality, which had been steadily declining until 1964, has been stabilized since then at a relatively high level. ^{2/}

As a partial reflection of increased government expenditures for public education, illiteracy in Brazil had declined slightly to 34 percent. Yet Brazil still has the second highest rate of illiteracy and the third lowest rate of government expenditures on public education per capita in South

^{1/} New York Times, Aug. 1, 1977; Vega, Apr. 27, 1977, and LAPR, Sept. 16, 1977, p. 285.

^{2/} Overseas Development Council. Agenda, 1977. London, 1977, pp. 166-167; Singer, A. Crise...., p. 73; and Yunes, J. and V.S.C. Ronchezel. Evolucao da mortalidade geral, infantil e propocional no Brasil. Revista de Saude Publica, 8 (June, 1974), pp. 3-29.

America. In keeping with the military's developmental philosophy, a greater portion of increased government expenditures has gone to technical and university rather than primary education. ^{1/}

Civil and Political Rights

While less controlled than it was at the beginning of the decade, the press still experiences clear limits to its freedom. Official displeasure may result in the withdrawal of government advertising or in the arrest of individual journalists (most recently, Lourenco Diaferia, Folha do Sao Paulo and Carlos Chagas, O Estado de Sao Paulo). ^{2/} P.E.N. has identified 24 writers and journalists arrested in Brazil between 1972-75 who are still imprisoned or who have disappeared. ^{3/} Books too critical of government policy or ideologically offensive have been suppressed and, in the case of Kurt Mirow (A Ditadura dos Carteis) and Renato Tapajos (Em Camara Lenta -- an expose of political torture), the authors have been arrested. Films and television are closely censored. ^{4/} The opposition is virtually excluded from the use of the media. MDB was limited to two one-hour programs of political

^{1/} Inter-American Development Bank, Economic and Social Progress in Latin America. 1974 Annual Report. Washington, D.C.

^{2/} Amnesty International News Release, Sept. 19, 1977 and LAPR, Oct. 14, 1977, p. 320. Also see Garrardo, Eduardo. Brazil Papers Offering More Politics. Miami Herald, Sept. 27, 1977, p. 5.

^{3/} P.E.N. (International Association of Writers). Freedom to Write: Global Report. New York, Oct. 28, 1977, pp. 11-12.

^{4/} Latinamerican Press, Feb. 24, 1977 and Amnesty International News Release, Aug. 16, 1977.

commentary per year. After using its first hour (in June 1977) to criticize economic policy and demand greater protection of human rights, even this access to the media was eliminated.

President Giesel has orchestrated a cautious liberalization of political life, permitting elections for congress (1974) and municipal councils (1976) in which the MDB made substantial gains. However, legal opposition has been limited by the removal from office and disenfranchisement for ten years (cassacao) of the regime's most vigorous critics. Among those casado in 1977 were Alencar Furtado, MDB congressional leader, and Alenio Peres and Marcos Antonio Klassman, members of the Porto Alegre municipal council, who protested the continuance of political torture.^{2/} Liberalization in see-saw fashion periodically undercuts the growth of political opposition.

Despite repeated demands from more hard-line factions of military officers for stronger censorship curbs and suppression of political activity, the present government has attempted an accommodation that would increase the participation but not the power of civilian opposition. However, these reforms, curtailing judicial independence, incorporating repressive security laws into the constitution and preserving "controlled democracy," were rejected by MDB. Their counterproposals included amnesty for political prisoners and the return of habeus corpus. In response, on April 1, 1977, President Giesel closed Congress. By decree he changed the electoral rules,

^{1/} New York Times, July 28, 1977: 9.

^{2/} LAPR, Feb. 18, 1977, pp. 49-50.

thereby demoralizing the opposition and guaranteeing victory for the government party in the congressional elections of 1978. Congress was then re-opened. ^{1/} This reflects the more flexible but conservative position of President Giesel and the castelista faction of the army. His action reminded MDB of the limits of political freedom and assured hard-line critics of his government's strength and resolve. This public demonstration that the opposition would always be denied access to power has, however, intensified the campaign for the restoration of civil and political liberties.

The military government has reached a critical juncture; never since 1964 has the demand for the return of civilian rule been so open and widespread. In March Raimundo Faoro, president of the Brazilian Bar Association, while lamenting the absence of habeus corpus, called for a constituent assembly. ^{2/} MDB, with little recourse after the closure of Congress, adopted that as the ultimate goal of their campaign for civil and political rights. In May, for the first time since 1968, students demonstrated at all major universities, denouncing the economic and political repression of the military regime. ^{3/} Journalists and newspaper editors grew more aggressive criticizing President Giesel directly. ^{4/} Twice during 1977 more than a

^{1/} Kandell, Jonathan. Brazilian Army Tightening Its Grip. New York Times, Apr. 15, 1977: p. 1.

^{2/} LAPR, Apr. 29, 1977, pp. 12-13.

^{3/} New York Times, Aug. 3 and 24, 1977, pp. 2 and 7, respectively.

^{4/} Ibid., July 9 and Aug. 21, 1977, pp. 3 and 3 respectively; and The Times (London), Oct. 3, 1977.

thousand of Brazil's most prominent writers, professors, scientists and film directors, petitioned the government to lift all censorship curbs. ^{1/} A group of 110 army and air force colonels, calling themselves the Movimento Democrático Constitucionalista sent a manifesto to President Giesel, demanding an "end to censorship and inhuman repression" and a return to full democracy. ^{2/}

The present situation is complicated by problems of presidential succession: who will be the candidate chosen by a dozen high command generals from among themselves and presented to congress for rubber-stamp election? Vociferous opposition to President Giesel's policy of limited liberalization has developed and General Silvio Frota, war minister and chief proponent of renewed repression, used his position to promote himself as Giesel's successor. Forestalling a possible coup, Giesel fired Frota in October, 1977. The future of his policy of liberalization is still in question. It is unclear what concessions to hard line officers Giesel will feel constrained to make to maintain the military consensus he needs to govern, and the direction is not yet clear, the real possibility exists that recent progress in human and political rights might be halted or even reversed. ^{3/}

^{1/} Latin American Press, Feb. 10, 1977, p. 7 and LAPR, July 22, 1977, p. 251.

^{2/} LAPR, May 27, 1977, p. 155.

^{3/} Ibid., Oct. 21, 1977, p. 323.

United States Policy and Brazilian Response

The Brazilian government has responded decisively to U.S. Congressional human rights policy. As a requirement under the International Security Assistance and Arms Export Control Act of 1976, the State Department prepared a report on human rights in Brazil. In March Brazil rejected the report along with 50 million dollars of U.S. military assistance credits. ^{1/} The Foreign Assistance and Related Programs Appropriations Act, 1978 (P.L. 95-148) prohibited military credit sales to Brazil because of human rights restraints. ^{2/} During the course of the year, the Brazilian government abrogated a series of other military agreements with the United States. The result of this, as U.S. Ambassador to Brazil John Crimmins explained, was the end of "all formal structure of military cooperation between the two countries." ^{3/}

Withdrawal of aid may not prove an effective device to promote human rights in Brazil. The Center for International Policy has reported that while the USAID program has been phased out, multilateral lending agencies (i.e., the World Bank and the Inter-American Development Bank) and commercial banks have increased their investment in Brazil. ^{4/}

^{1/} Ibid., Mar. 11, 1977, pp. 73-74 and Opiniao, Mar. 18, 1977, p. 16.

^{2/} Washington Post, Sept. 21, 1977: 4.

^{3/} New York Times, Nov. 2, 1977: p. 8.

^{4/} Center for International Policy. Human Rights and the U.S. Foreign Assistance Program. Part I -- Latin America. Washington, 1977, pp. 32-35.

The period of greatest U.S. military assistance coincided with the development of Brazil's repressive security system. Between 1966-75 Brazil received 28 percent of U.S. military assistance to Latin America, twice as much as the second largest recipient, Argentina. Amnesty International accused the U.S. of directly contributing to repression in Brazil through AID public safety programs and police training. ^{1/} Ironically, the U.S. withdrawal of military credits because of human rights violations comes when U.S. assistance accounts for only 2.5 percent of the Brazilian military budget and when Brazil's arms industry manufactures 75 percent of its own needs. ^{2/}

Human rights issues alone have not dominated United States-Brazilian relations in 1977. The priority objective of the Carter administration has been to modify the West German-Brazil agreement to develop nuclear weapons technology in Brazil. ^{3/} The two questions have become linked in Brazil. Some military officers accuse the Carter administration of using the "false issue" of human rights to destabilize the military regime in the hopes that a new government will have a less independent nuclear policy. ^{4/}

^{1/} Ibid., pp. 25-29 and LAPR, Apr. 22, 1977, p. 115.

^{2/} O Estado de S. Paulo, Mar. 4 and 6, 1977.

^{3/} New York Times, Nov. 23, 1977, p. 9 and Veja, Nov. 30, 1977, pp. 20-23.

^{4/} LAPR, Apr. 8, 1977, p. 106 and Jornal do Basil, Nov. 17, 1977, p. 8.

The cordial relations between Brazil and the United States since World War II have been strained, but not broken. There has been no executive action particularly addressed to human rights in Brazil. During visits to Latin America both Secretary of State Cyrus Vance and Rosalynn Carter reaffirmed United States concern for human rights. Those in Brazil demanding the restoration of civil liberties have been encouraged by this position. Human rights activists in Brazil maintain that because of Carter's policy the military government will respond less repressively to the present campaign for human rights.

Chile*

Introduction.

This paper discusses human rights conditions in Chile in 1977. The main sources for the study were: the "1976-1977 Amnesty International Report," the Center for International Policy's "Human Rights and the U. S. Foreign Assistance Program for fiscal 1978," the "Third Report on the Situation of Human Rights in Chile," by the Inter-American Commission on Human Rights, and various newspaper articles.

Background

On September 11, 1973, the socialist government of Salvador Allende was deposed by the military, which had a long tradition of non-interference in Chilean politics. The junta, headed by General Augusto Pinochet, declared a state of emergency, which has been in effect since the military came to power. In addition, the new government dissolved Congress, suspended political parties, censored the media, prohibited elections of any kind, and limited labor union activity.

In the ensuing period charges of widespread torture and reports of thousands of political prisoners being detained by the military focused worldwide attention on Chile's human rights conditions. Various international agencies reported on conditions in Chile and the U. S. Congress limited assistance to Chile.^{1/}

*Prepared by Roslyn Roberts, Analyst in Foreign Affairs, Foreign Affairs and National Defense Division.

^{1/} Foreign Assistance Act of 1974 (P.L. 93-559) Sec. 25 prohibited military aid and limited economic assistance to \$25 million during FY 1975; International Development and Food Assistance Act of 1975 (P.L. 94-161) Sec. 320 limited economic assistance to \$90 million; and Sec 406 of the International Security Assistance and Arms Export Control Act of 1976 (P.L. 94-329) terminated military assistance including prohibition of military education and training, placed a ceiling on economic assistance of \$27.65 million during fiscal year 1977 and the transition quarter, and specified conditions relating to human rights under which economic assistance might be increased by an additional \$27.5 million.

Many recent actions in Chile to improve the human rights conditions have been credited to the pressure of President Carter's human rights campaign, as well as congressional interest in the human rights situation in that country. This report deals primarily with the period from November 1976 to December 1977.

Integrity of person

Since the election of President Carter, Chile, until very recently, appeared to be trying to improve its human rights image. Only days after Carter's election, 300 political prisoners were released. Shortly afterwards there was an "exchange" of 17 prisoners, after which the government claimed only one political prisoner remained. Amnesty International, however, insists that this claim is not consistent with information available to them. The differences, it suggests, are definitional ones. According to Amnesty International, current terminology in official and unofficial use in Chile makes it possible to distinguish three categories of political prisoners:

1. Detendidos por el estado de siti: (those detained under the State of Siege legislation, without trial or formal charges against them.) These are the only prisoners recognized as "political" by the Government of Chile, and most of them were released in November 1976.
2. Procesados y condenados: (those detained awaiting trial, pending trial, or serving sentence.) Prisoners in this category are not considered political prisoners by the authorities even in those cases where charges and court proceedings were of a political nature. A May 1975 decree

decree makes it possible to opt for enforced exile in lieu of a prison sentence, but a significant number of pleas for exile have been refused.

3. Detenidos desaparecidos: ("disappeared" prisoners.) Even in cases where official documents provide proof of arrest, the authorities refuse to acknowledge the detention of these prisoners.

The Government of Chile recognizes as political prisoners only those in first category. Amnesty International contends that the vast majority of political prisoners are in the second and third categories.^{1/}

Various sources report that November and December 1976 marked a period of increased disappearances. The Chilean Catholic Church reported that 20 persons "disappeared" in the last four months of 1976 and that mutilated and unidentifiable bodies were being found more often.^{2/} Amnesty International reported that mainly Communist Party members and leading trade unionists were arrested and subsequently disappeared in 1976. The report noted also that workers' families have been the worst affected, with several members of individual families often disappearing. During the first four months of 1977, Amnesty International received no reports of disappearances, but during May and June there was a new wave of arrests. Disappeared persons are estimated at 1,500 by Amnesty.^{3/} According to the Catholic Church, 80 political arrests

^{1/} Amnesty International Report; 1 June 1976-31 May 1977, p. 131.

^{2/} Washington Post, Jan. 21, 1977, p. A2.

^{3/} Amnesty; pp. 131-132.

had been made by September 1977 with six "disappeared."^{1/}

A United Nations panel inquiring into conditions in Chile reported that although arrests and detentions were on a much reduced scale and accounts of torture were not as shocking as some previous reports, a new practice of short-term detention, torture of the individual and harassment of relatives had been instituted.^{2/}

Over the years, the Chilean secret police has been accused of being responsible for widespread torture and many disappearances. Involvement by National Intelligence Directorate, commonly known by its acronym DINA, has been established in court, but subsequent court and government investigations have not resulted in indictments.^{3/}

In August 1977, however, DINA was dissolved and was replaced by the National Information Center (CNI). Critics of the government were skeptical about any real change because the CNI operated out of the same headquarters, as had DINA and employed the same leaders and agents. Moreover, the Government would not allow Hoy, a newspaper giving coverage to dissenting views, to print side by side the two decrees governing the agencies presumably because they were almost identical.^{4/}

^{1/} New York Times, 11/12/77, p. 40.

^{2/} U.N. Document A/32/227; Sept. 29, 1977; p. 60. ✓

^{3/} Washington Post, 9/5/77, p. A12.

^{4/} New Times (Moscow), Oct. 1977, no. 42, p. 12.

It has been reported recently, however, that the head of the secret police has changed, that some former secret police agents are under investigation in connection with torture of political prisoners, and that soldiers had been convicted for abuses against civilians.^{1/} In addition, it has also been reported that a Santiago military court threw out a long list of DINA charges, that two men had been released on suspended sentences after being found guilty of possession of explosives, and that a large number of former DINA agents had been dismissed since the announcement of the abolition of DINA.^{2/} Spokesmen for the Chilean Catholic Church see these actions as encouraging, but argue that "as long as there is not a clear set of laws and enforcement by civilian courts, citizens' rights are not really protected."^{3/}

Basic Human Needs

The Overseas Development Council's Physical Quality of Life (PQLI) Index for Chile is 77. Given its per capita GNP of \$830, Chile's rating is slightly above the norm for Latin American countries.^{4/} Though the deviation above the norm is not significant, the differences between Chile and other Latin

^{1/} Washington Post, 11/11/77, p. A15.

^{2/} Ibid.

^{3/} Ibid.

^{4/} For a discussion of this Index, see pp. 360-363.

American countries with similar per capita GNPs are. Nicaragua, Peru, and Brazil all rank well below Chile, but Costa Rica ranks well above. The PQLI measure does not, however, answer the question of whether the values it reflects have been advanced or retarded by the dramatic shift from the egalitarian social welfare policies of Allende to the focus on reducing inflation as a precondition to further economic growth under Pinochet. In July of this year, inflation was at a five year low of 83.5 percent, ^{1/} down from an estimated high of 700-1000 percent in 1973. Over the same time period, foreign reserves have increased from \$10 million to \$700 million. ^{2/}

Critics of the government concede that there have been some economic accomplishments, but they maintain that the poor have paid a tremendous price. They say that the elimination of price subsidies, the drastically slashed public welfare budgets, and the government's refusal to bail out inefficient business are maintaining unemployment and aggravating the poverty problem. One economist with close government connections has reportedly said, "If you start looking at the faces of the poor people, you can't get anything done," and admitted that elimination of election had made the process of combatting inflation much easier. ^{3/}

^{1/} Manchester Guardian Weekly, Sept. 18, 1977, p. 6.

^{2/} New York Times, Sept. 25, 1977, p. 1.

^{3/} New York Times, August 21, 1977, p. 2.

Government supporters, on the other hand, maintain that programs to reduce hunger and infant mortality among Chile's poorer families are "better under the military than ever before." They point to a 25 percent drop in infant mortality despite the severe economic conditions and credit the availability of contraceptives provided by the national health clinics as responsible for the sharp drop in the birth rate.^{1/} As part of the junta's special nutrition, health and relief program, President Pinochet, upon his return from Washington, D.C., in September 1977, reportedly handed out keys to prefabricated homes to 500 former residents of one of Santiago's worst slums. This, and a program whereby some 38,000 small farmers are to be made individual proprietors, are two projects pointed to as examples of efforts to improve conditions of the lowest economic strata, the 20% considered to be experiencing conditions of "extreme poverty."

Civil and political liberties.

Before the junta's takeover of the government, the Chilean mass media were termed "free-wheeling" and were ideologically varied. During the past four years censorship, closure and confiscation of newspapers and radio stations, suspensions, arrests and expulsion of dissenting editors have been employed by the Government to bring the once independent media into step with the military rulers. Presently the news media carrying information on

^{1/} New York Times, August 21, 1977, p. 3.

^{2/} New York Times, September 29, 1977, p. 2.

human rights and economic issues not in agreement with the government have dwindled to three radio stations, the Jesuit monthly magazine Mensaje, and the newspaper Hoy. Two of the three radio stations are privately owned and the other is owned by the Catholic Church.^{1/}

Direct censorship declined during 1975, but was resumed in early 1976. The closing of Radio Presidente Balmaceda, said to have commanded an enormous audience, was considered a major setback in the area of freedom of information. On January 29, 1977, the station was declared closed for the duration of the state of emergency. The justification for the shutdown was that it was owned by the Christian Democratic Party. It had been closed four times previously, the longest closure being 17 days. In addition, the station had been subject to censorship for brief periods in 1975, and its director had been banished to a small town in the Andes mountains for more than three months.

La Ercilla, the last independent mass-circulation publication, moved into the pro-government sphere in January, 1977 when it was bought by pro-government financiers in September, 1976, and, four months later, its managing editor, Emilio Filippi, resigned. It is reported that pressure from the government, such as the confiscation of the entire issue of the

^{1/} Washington Post, Feb. 3, 1977, p. A14.✓

magazine at a cost of \$850,000, created substantial losses, which prompted the sale.^{1/} Filippi now is director of a weekly magazine called Hoy, which gives coverage to dissenting views.^{2/}

When the state of siege was renewed in March, 1977, restrictions on the press were increased and mail censorship was enacted. The Inter-American Commission on Human Rights reported that the authorities have issued warnings and threatened to apply the internal security laws of the State and the regulations governing the prohibition of political parties. They also report that the government has total control over the National Television and the three university channels. However, they were informed by several organizations that it is possible to discuss problems with government officials. The Center for International Policy noted continued intimidation of professors and students. It was reported that academics and scientists of international reputation and conservative views, who had previously supported the junta, are being expelled and arrested because the military's policy is not only to purify the university ideologically, but to redefine, reorganize, and restructure the university's mission.^{3/}

^{1/} Washington Post, Feb. 3, 1977, p. A14.

^{2/} New York Times, Aug. 26, 1977, p. A7.

^{3/} Center for International Policy. Human Rights and the U. S. Foreign Assistance Program: Fiscal Year 1978, Part 1 -- Latin America, p. 41.

Foreign journalists and publications are allowed in Chile, but as late as September 13, 1977 foreign correspondents were summoned to the Chilean government press office and told not to publish outside Chile news of bombings in the country. They were told that imprisonment or expulsion would be the punishment for such publication.^{1/}

There are no known reports of restricted internal travel or forced migration. However, there are reports of loss of nationality and forced exile. In response to questionnaires from the Inter-American Commission on Human Rights, the Chilean government admitted that five persons--Anselmo Sule Candia, Hugo Vigorena Ramirez, Orlando Letelier del Solar,* Volodia Teitelboin Volosky and Juan Suarez Bastidas--have been deprived of their nationality. While the government says that such action is appealable and that none of the five has taken advantage of the appeal, the Inter-American Commission on Human Rights described the penalty of loss of nationality as "anachronistic, outlandish and legally unjustifiable in any part of the world," and further noted that although appeal is allowed, it is of no consequence because the nature of the penalty is such that the victim is outside his own country when it is imposed, so appeal is impossible or futile.

^{1/} Washington Post, Sept. 13, 1977, pp. A1, A22. ✓

*Letelier, former Ambassador to the United States during the Allende Administration was assassinated in Washington, D. C. on September 21, 1976.

Supreme Decree 504 of April 30, 1975 allows those convicted by the military to change their sentences to that of exile. Approximately 800 have been released under this law. The Inter-American Commission on Human Rights is concerned about the alternative of detention or exile for persons who have not received fair trials.

According to State Department sources, there are about 1 million refugees from Chile; however, they feel that the majority left Chile for economic reasons rather than political reasons.

Participation in government, once an important feature of Chilean politics, has been drastically curtailed under the junta. When the military took power in 1973, Congress was dissolved, constitutional guarantees were suspended, trade union activity was limited, the media were censored, political parties suspended, and military courts were permitted to try civilians. On September 11, 1976, three additional "constitutional acts" were promulgated to take effect in March 1977. The first of the new constitutional acts proclaims Chile as a democratic republic with all power concentrated in the junta. It contains no provisions for representation. The second additional act lists all of the civil, political, and juridical rights and liberties previously granted Chilean citizens; however, the third act allows the government to re-establish a state of emergency and to suspend such rights as freedom of expression, of information, or association, and the right to work and hold meetings. It also permits the government to

appropriate individual goods or impose other limits to the right of property.^{1/}

Earlier law had set a 5 day limit within which a detained person was to be brought to trial, and 48 hours within which the family was to be notified of the arrest. The new constitutional acts that took effect in March, 1977 extend the 48-hour limit for family notification to 10 days when the country is in a state of emergency, and families of disappeared prisoners are denied the right to present writs of habeas corpus. In addition all political parties were dissolved (before they had only been suspended from public activity) and mail censorship was initiated.^{2/}

The expressed purpose of the military takeover was to "re-establish order and constitutional law."^{3/} In keeping with this objective President Pinochet in July 1977 outlined a plan for the restoration of civilian government in Chile. The plan provided for a partly elected and partly appointed legislature in 1984 or 1985, but it was later qualified in a speech by Pinochet in which he stated that there would be a return to democracy "in eight to ten years, in the best of circumstance" and then only "if the country continues to show positive signs."^{4/} While critics of

^{1/} Center for International Policy, pp. 39-40.

^{2/} Center for International Policy, p. 40.

^{3/} Ibid; p. 39.

^{4/} New York Times, Aug. 25, 1977, p. A2.

the government feel an immediate move should be made toward civilian government, President Pinochet justifies the long range date by saying that a series of steps are required to achieve the "authoritarian, protected, technified and authentic social participation system"^{1/} he envisions. In addition there are certain technical problems such as the absence of voter rolls (which were destroyed after the junta came to power) and the time needed to issue new, tamper-proof identity cards.

Whether President Pinochet's plan materializes or not, many contend that the announcement opened political debate that had not been tolerated previously. In the final months of 1977 various newspapers and radios gave coverage to dissenting views on the governments' economic policies, especially relating to unemployment and wage rates. In addition coverage was given to a Christian Democratic Party declaration issued in Caracas, Venezuela rejecting the 8 year plan. Man-on-the-street interviews carried in one of the newspapers appeared to indicate that people were no longer afraid to talk.^{2/}

On November 18, 1977, it was reported that the first street protest in Chile since 1973 was staged, with about 100 persons peacefully protesting the disappearance of political prisoners. About forty of those were arrested, but most were released the same day.

On December, 1977 Pinochet called for a national plebiscite in response to a critical United Nation's General Assembly resolution condemning Chile's

^{1/} The Times, Aug. 17, 1977, Pt. 6, p. 1, 7.

^{2/} The New York Times, Aug. 26, 1977, p. A7.

human rights record. On January 4, 1978 in what has been described as a highly controlled national plebiscite Pinochet reportedly received 75.3% of the 5.5 million votes cast. The wording of the referendum was such that national loyalty to Chile against "international intervention" was confused with political support for Pinochet. Chilean observers speculated that Pinochet's victory might reverse the rather tenuous advances in human rights experienced during 1977. Reportedly even important members of the military fear that the plebiscite returns may result in Pinochet assuming more power at the expense of the judicial branch and even of the military junta, and in increasing repression of union and political party activity.

The government has recently taken drastic measures against dissent in at least two cases. In November 1977, the government denied re-entry to three Chilean women who had travelled to the United Nations to publicize the arrest, torture, and disappearance of their relatives. Although they have valid passports, they have been labelled exiles by the government and will be required to sign statements that they will not be involved in any political activity before they can return to Chile. In the second action, President Pinochet ordered seven dissident labor leaders confined to a remote mountain village, in response to a partial work stoppage at the El Teniente mine and a slowdown at the major ports of Valparaiso and San Antonio.

U. S. POLICY RESPONSE

The Carter Administration is considered one of the foremost sources of outside pressure on the Chilean human rights situation. During his election campaign President Carter spoke out strongly for human rights. His position was given some credit for the release of 300 political prisoners in Chile days after the election. President Carter met with President Pinochet at the signing of the Panama Canal treaties, arguing in response to critics of the action that it is "healthy" to meet with, rather than isolate, leaders of countries with human rights problems.

In July and August, two administration representatives travelled to Chile--Allard Lowenstein, a member of the U. S. delegation to the United Nations, and Terence Todman, Assistant Secretary of State for Inter-American Affairs. They both reported improvement in the human rights situation in Chile, but sought to convey the Administration's view that human rights would improve more if the state of siege were ended.

The Administration expressed pleasure with the dissolution of DINA, the decline in arrests and disappearances, the announcement of a plan to restore civilian rule, and the fact that President Pinochet is considering allowing U. N. observers to carry out an investigation in Chile.

For the first time this year there were reports of a disagreement within the Carter Administration over whether to make economic assistance loans to Chile, because of the human rights situation there. Proponents felt that the two AID loans, one for \$7 million and the other for \$2.6 million, would aid the poor and that economic well-being was as much a human right

as are political rights. Those opposed to the loans felt that the granting of the loans would be a repudiation of the Carter Administration's human rights campaign. The decision was to delay the loan for 30 to 60 days, after which Chile requested that the AID program be terminated.

U. S. military aid continued to be prohibited in 1977 under Section 106 of the International Security Assistance and Arms Export Control Act of 1976-1977 (Public Law 94-329). A ceiling of \$27 million was placed on economic assistance to Chile for fiscal year 1977 with provisions for increases up to an additional \$27.5 million, if there were significant changes in the Chilean human rights situation.

Introduction

In researching the issue of human rights in Cuba one is faced with two important constraints. The first is that access to information is inadequate and most of what is available is highly partisan in character. Although objective background material is increasing, as exemplified by the Area Handbook for Cuba (DA-Pam 550-152; 1976), biased information from both leftist and rightist sources is still prevalent.^{1/} This problem is compounded by the fact that those attempting to document human rights violations in Cuba have largely ignored quality of life issues, concentrating instead on the controversial problem of political prisoners. Information on political prisoners of necessity is largely based on sources within the Cuban exile community, since Cuban officials have generally declined to comment on the issue and have not permitted such groups as Amnesty International, the Red Cross, or the Inter-American Commission on Human Rights to enter Cuba for purposes of investigation. However, this may change in the coming months. Barbara Durr of the Cuba Resource Center in New York City reports that the Center has received permission from the Cuban government to do a study on

* Prepared by Kathryn Johnston Shrivastava, Consultant.

^{1/} Other background material on Cuba would include-books and articles by the following authors: Jorge Doninguez, Richard Fagen, Irving Louis Horowitz, Abraham Lowenthal, Herbert Mathews, Carmelo Mesa-Lago, Jaime Suchljicki, Jose Yglesias, Maurice Zeitlin.

human rights which will focus on treatment of political prisoners within the judiciary and penal systems. The study, scheduled to begin in 1978 and encompass two fact-finding trips to Cuba, will include inspection of prisons and interviews with prisoners, their families, and Cuban officials.

A second constraint is the operational definition of human rights in Cuba. As Pat Fagen points out in a recent article on US-Cuban detente, "The Cuban government operates to protect and augment what are viewed as collective rights, those of the majority. When individual rights are thought to endanger collective rights, they are sacrificed, a position generally disapproved of among Western liberal democracies."^{1/} Bearing this in mind it is not surprising that the government has attempted to suppress or abolish such vestiges of the pre-revolutionary class system as private property, private beaches, and private schools. A closely related problem concerns the parameters of "counter-revolutionary" crime in Cuba. Those incarcerated under the rubric of political prisoner may be in jail for crimes as diverse as currency speculation, absenteeism, sabotage, treason, or possession of counter-revolutionary literature. Thus, theft of government property may be considered a politically-motivated crime.

^{1/} Fagen, Pat "Toward Detente with Cuba: Issues and Obstacles. International Policy Report, Vol. III, No. 3, Nov. 1977 (Center for International Policy, Wash., DC) p. 17.

Integrity of person

Although early revolutionary tribunals unquestionably abused their judicial powers, conditions have improved over the last decade. Assassinations or disappearances are rare; even affidavits by former political prisoners state that most were able to see their families on a regular basis.^{1/} Citizen harassment in general has declined as the government has become more secure. The Amnesty International Report 1975-76 observed that, "the persistence of fear, real or imagined, of counter-revolutionary conspiracies was primarily responsible for early excesses in the treatment of political prisoners. By the same token, the removal of that fear has been largely responsible for the improvement in conditions."^{2/}

Activities of the DSE, the state security agency charged with the investigation of counter-revolutionary crimes, have become less zealous, or at least have been re-directed. Crusades against such new types of offenders as homosexuals and dissident intellectuals have replaced action against unrepentant capitalists, saboteurs, and infiltrators. The neighborhood associations initially established as vigilance agencies--Committees for Defense of the Revolution (CRDs)--have balanced their policing function by assuming other

^{1/} Jack Anderson, Washington Post, September 9, 1974.

^{2/} Amnesty International Report 1975-76, London, 1976, p. 96-97.

civic responsibilities such as health care. As of the mid-1970s, the major forces for public order and security were no longer these organs, but rather the vast propaganda network controlled by the government and group pressures to conform.

Although part of personal security is freedom from government repression, an equally important part encompasses protection from criminal elements in society, and there is considerable evidence that in certain areas conventional crime has diminished since 1959. Presumed deterrents include the imposition of severe sanctions and the willingness of courts to impose harsh penalties, the community orientation of the local court system and the comprehensive security apparatus of the Ministry of the Interior and the CRDs.

Reports by the Inter-American Human Rights Commission and Amnesty International which have been based, for the most part, on information from Cuba-exile sources allege that political prisoners have suffered deprivations, abuse and torture. Earlier allegations of torture described beatings, simulated drowning, pretended executions and medical experimentation. Other reported abuses have included denial of food and medical treatment, hard labor and unclean and overcrowded conditions. There is some indication that psychological pressures such as the denial of mail or family visits and enforced wearing of the uniform of a common criminal have to some extent superceded physical abuse.

Journalist Theodore Jacqueney, a critic of the regime who visited Cuba in October 1976 and talked to former prisoners and their families, describes deprivations and poor conditions but mentions that he heard "no allegations that systematic physical torture or beatings take place in Cuban prisons at this time."^{1/} In any event, there is no indication that Cuba has used the sophisticated mechanical torture devices of Chile or Brazil.

The Cuban government has never denied that it holds political prisoners, but it has been vague about their number and identity. Castro himself cited 2000 to 3000 prisoners in a 1977 interview with Barbara Walters--down from his 15,000 figure a decade earlier. Amnesty International, in its 1977 report, and a number of U. S. government officials use 2000 to 3000 as an accurate figure, whereas the exile community and some members of the State Department claim the number of prisoners is as high as 20,000 to 100,000. Frank Calzon, an exile and a member of the editorial board of a human rights magazine concentrating on Cuba, has stated that the periodic waves of political arrests and prisoner releases may indicate that the total number of Cubans experiencing imprisonment is larger than any of these figures.^{2/}

^{1/} Jacqueney, Theodore "The Yellow Uniforms of Cuba," Worldview Vol. 20, No 1-2. Jan/Feb. 1977, p. 6.

^{2/} Jacqueney, Theodore, Ibid., p. 95.

The prisoners are a heterogeneous group, comprising peasants, students, women, intellectuals and former revolutionaries. Calzon indicates that a large portion are from rural backgrounds. Few of the members of the Batista regime are still incarcerated, most were shot or have escaped. All prisoners are encouraged to participate in a rehabilitation program and most do. The program encompasses political indoctrination and salaried work and those involved usually acquire special privileges and serve no more than two-thirds of their sentences. According to the Cuban Ambassador to Jamaica, about 20 percent of the political prisoners refuse to go to rehabilitation camps on point of political principle. This is the group--variously estimated between 800 and 2000--that receives the most publicity and about which there has been the most concern. These prisoners are kept in the worst jails and under the harshest conditions. They have no option for parole and their sentences may be 20-30 years. Moreover, it has been alleged that a good number whose terms have expired have been re-sentenced without ever leaving custody, allegedly on the grounds that they were not ready to re-enter the society.

The 1970 report by the Inter American Commission on Human Rights charged that many prisoners were tried but without benefits of due process.^{2/} In theory, under the new Cuban constitution

^{1/} Daily Cleaner (Jamaica); June 1976.

^{2/} Inter-American Commission on Human Rights - Report on Cuba (1970) O.A.S. Washington, D.C.

such rights will be respected. Those accused will be presumed innocent until proven guilty, entitled to legal counsel and a trial within 20 days of arrest, and have the right to remain silent or appeal a lengthy sentence. Cuban officials have stated that the penal code, currently being revised, will further expand the above guarantees.

Basic human needs

The principal goal of the Revolution was to eliminate social and economic inequalities, and there are many reports that to a great extent it has been successful in doing so. The initial leveling of the society was accomplished both through government policy and the unanticipated exodus of most of the upper and much of the middle classes. Government policy was aimed at improving opportunities for blacks, women, and the poor. Observers of the Cuban scene agree that the poor, especially those in rural areas, have been the real beneficiaries of the Revolution.

Government policies have emphasized the provision for basic human needs over the freedoms of an open market. Since the early days of large-scale redistribution of income, the revolutionary planners have deliberately decreed austerity for the population through a policy of rationing consumer goods in order to free a maximum amount of agricultural and industrial production for export. Initially this meant considerable hardship for a majority

of Cubans, and especially for those from wealthier backgrounds. However, reports indicate that conditions have improved and the pressures of going without have lifted considerably.^{1/}

The success of the redistribution schemes has been reflected in qualitative improvements in the lives of most Cubans and in such quantitative measures as the Overseas Development Council's Physical Quality of Life (PQLI) Index. According to these data Cuba is listed as a lower-middle income country (per capita GNP \$300-\$699), but ranks substantially better in terms of social indicators (PQLI, birth and death rates, life expectancy, infant mortality, literacy and percent of GNP spent on education) than the average of either countries in its income bracket or that of the members of the OAS. Though these distributive achievements are impressive, they have been accompanied by a failure to achieve significant growth in overall per capita income. Indeed, a per capita growth rate of GNP for 1965-74 of only .3 percent, puts Cuba at the very bottom of both the OAS countries and the world's lower-middle income countries with respect to this measure. Most economists would agree that this lack of growth was a function of considerable and unsuccessful economic experimentation in the 1960s.

1/ The above taken from "The Right to Eat" Cuba Review Vol. VI, No. 4, Dec. 1976 p. 6 shows example of food rationing.

Some of the most conspicuous successes of the Revolution have been with health, welfare, and education. Despite the fact that a large portion of doctors and other medical personnel left the island after 1959, the government has managed to construct a network of hospitals and clinics throughout Cuba and the universities have trained adequate replacement staff, so that by the mid-1970s Cuba had developed a health care system regarded by competent foreign authorities as among the best in the Hemisphere.^{1/} A comprehensive social security system, the growth of day-care facilities, and the provision of adequate--if overcrowded--housing are also among the social benefits. Although dress and diet have been characterized as exceedingly dull ("Cuban bread is still totally uninspired" reported scholar Abe Lowenthal), there is enough and quality is improving. Rather than relying on the market mechanism, the policy of food distribution attempts to direct resources to priority groups: infants and children followed by pregnant and nursing mothers, aged ill and those employed in exceptionally heavy physical labor like cane cutters or exposed to potentially toxic substances like miners.^{2/}

^{1/} Area Handbook for Cuba, p. 186.

^{2/} "Right to Eat" op. cit.

"Education is the Revolution" is a much quoted statement by Castro indicating the depth of commitment not only to formal education, but to the re-education of all Cubans in the socialist mode. Combinations of work and study and massive attempts to build cohesion and understanding between urban and rural dwellers have led to highly inventive approaches to non-formal education. The growth of the formal education system has also been enormous, with enrollment in the system as a whole nearly quadrupling between 1959 and 1975. Moreover, educational priorities have been structured to fit manpower needs, which, while disallowing individual interests somewhat, is more likely to place talent in critically needed areas than the educational systems of most Latin American countries.

Civil and Political Liberties

Judged against standards of individual liberties embodied in liberal democratic constitutions, revolutionary Cuba does not fare well. Individual freedoms are either eclipsed or qualified by so-called collective rights, the foundation of which is "the unquestioned justness of the Revolutionary process" itself. Thus, the mass media, the universities, and most types of associations are government controlled, and movement within and outside Cuba is restricted. The present regime does not represent dramatic change for Cuba in this respect because in the past the political system has not been characterized by the participatory or checks

and balances institutions of western liberal democracies. What is different is the revolutionary rationale justifying deprivation of civil and political liberties.

Many Cubans have found this situation intolerable and have emigrated to the United States and elsewhere. It is not possible to state precisely how many individuals left the island between 1959 and 1971. When the Cuban government finally terminated the refugee flights to Miami, an estimated 100,000 people were still anxious to depart. There are an estimated 600,000 to 700,000 Cuban refugees in the United States today. People are still allowed to emigrate, but it is an arduous and lengthy process, during which the individual allegedly must first resign from his job.

A small number of exiles--between 10,000 to 20,000--have been repatriated, and an increasing number have been allowed to return for visits. The lifting of U.S travel restrictions in March 1977 precipitated a rush of applications for visits but Castro later said that no exiles would be granted visas except on a case by case basis.

Internal travel is fairly unrestricted, although a person may not move to another job in another place without the consent of his fellow workers, who determines whether or not he can be spared.

The new constitution theoretically provides the protection of certain basic human rights within clear limits. It guarantees, according to the Cuban Government, the inviolability of personal

integrity of the citizen and denounces the use of pressure or force in eliciting testimony. The Cubans also say it assures the rights of freedom of speech, assembly, and religion, as long as these do not violate the framework of the socialist society. Exercise of freedoms in violation of the objectives of the socialist state, however, is punishable by law.

The rights to information and freedom of expression are similarly constrained. The government encourages feedback on the performance of government agencies, but reacts harshly to criticism of the basic goals of the Revolution. Thus, discussions are concerned not with questions of alternative policy choices but rather with the effectiveness of the policies as given. Mass media are regarded as an organic part of the complex of institutions shaping national development and integration, and as such are the closely guarded prerogative of the government. Both newspapers with nationwide circulation are official organs of the Communist party and their main source of information is the government owned news agency. Some material from abroad is available, mostly from other Communist nations. Cuba has often welcomed foreign journalists, many of whom subsequently published books on their experiences.^{1/}

^{1/} A few of the American journalists to write about their experiences/impressions have been: James Nelson Goodsell, Joe Nicholson Jr., Theodore Jacqueney, and Herbert Matthews.

Decisionmaking on matters of national and international policy has remained the privilege of a small elite, all of whom are members of the Communist party. The CDRs and other mass organizations have been engaged primarily in implementation of policies over which they have little influence. Nevertheless, some reports maintain that the closer one comes to issues critical to a particular locale or workplace, the more one finds vigorous debate, leading to what political scientist Richard Fagen has termed a "subculture of local democracy."

Moreover, since the early 1970s there have been attempts to institutionalize the socio-political system created since the Revolution through increased participation in and decentralization of government functions. The constitution adopted by the 1st Party Congress in December 1975 outlined the legislative process called "Poder Popular," (Popular Power) which was initiated through local elections the following year. Cubans elected delegates to the municipal assemblies from candidates they had chosen through the CDRs or their rural counterparts. According to an article in the national newspaper, Granma, 72 percent of the population participated in such meetings. Municipal assemblies then elected delegates to both the provincial assemblies and the National Assembly from lists of candidates made up by the CDRs and the Communist party. After the National Assembly was constituted in late 1976, its members selected a Council of State which would function when the Assembly was not in session; and, in consultation with the President of the Council, Castro, selected a Council of Ministers.

It is too early to determine the full effects of the institutionalization process, or whether attempts at decentralizing participation and decisionmaking have been successful. One former political prisoner interviewed by Jacqueney criticized the elections as not being free, stating that only Communists or Communist-approved candidates could be elected.^{1/}

U.S. Response

Since the early 1970s have been a number of moves by both the executive and legislative branches toward normalization of relations with Cuba.

President Carter has consistently maintained the improvement of human rights in Cuba as a condition--if not a pre-condition--for resumption of full diplomatic relations with Cuba. On February 13, 1977 during a press conference in Plains, President Carter said that the human rights issue was the key element in relations between the United States and Cuba. Similarly during a press conference on August 12, 1977, U.N. Ambassador Andrew Young criticized Cuba's treatment of its dissidents and said that human rights questions will play a role in the move toward improved relations with Cuba. Three perspectives have been influential in congressional activity relating to the Cuban human rights issue. All groups have protested

^{1/} Jacqueney, op. cit., p. 8.

human rights violations, but place varying emphasis on the place of human rights in the negotiation process. First there are those who oppose lifting the embargo and improving relations as long as "Cuba is dominated by Castro and Communism."^{1/} Senator Stone Congressman Pepper leading spokesmen for this group, which would also include Representatives Chappell, Burke, and Murphy and Senators Byrd, Stone, Talmadge and Helms. A second group, including Senators Brock and Percy and Congressmen Fascell, cite improvement of human rights among other things, as preconditions to bilateral economic and diplomatic relations. A key issue with this group is that international human rights agencies be allowed to enter Cuba to document the situation surrounding political prisoners. A third category comprising Representatives Schroeder and Bingham and Senators Kennedy, McGovern, Javits and Pell, to mention a few, urge that a move toward normalization include attention to human rights and other issues, but not necessarily be determined by it. In a speech in August 1976, Senator Kennedy stated, "the negotiating process must include the condition of human rights and the condition of political prisoners."

Legislation enacted during 1977 had a direct bearing on the issue of human rights and normalization of relations with Cuba.

^{1/} Congressional Record, Senate, Aug. 6, 1976.

Section 511(b) of the Foreign Relations Authorization Act, Fiscal Year 1978 (P.L. 95-105) expressed the sense of Congress that Cuba's "disrespect for the human rights of individuals" is among the elements which must be taken into account in any negotiations toward normalization of relations of relations with that country.

Introduction

Sources

El Salvador is a poor, largely rural country. Access to information on the current status of human rights is limited; statistics are often incomplete. Since an escalation of human rights violations has been reported in recent months, figures on "disappeared" persons and detainees are not yet available.

Sources consulted in preparing this report include Amnesty International materials, publications by the Salvadoran Catholic Church, the Overseas Development Council Physical Quality of Life Index, statistics and reports of the Salvadoran government, AID, the Inter-American Development Bank and other international agencies, the 1962 Constitution of El Salvador, The Political Almanac of the World, congressional hearings, human rights reports, and newsclippings.

Background

Since 1932, except for a brief period in 1944, military forces in alliance with the landed oligarchy have ruled El Salvador. For the past 15 years, military leaders of the National Conciliation Party (PCN) have controlled the government. The following brief summary of human rights-related events of the past eight years provides a useful introduction to the analysis of the status of human rights in El Salvador during 1977.

*Prepared by Cressida S. McKean, Consultant.

In 1972, the official party (PCN) candidate, Col. Arturo Armando Molina, was the declared winner in allegedly fraudulent presidential elections. The presidential candidate for the opposition, Jose Napoleon Duarte, has remained in forced exile since an attempted coup in March 1972, following the elections.

On July 30, 1975, government security forces, reportedly on the command of Defense Minister Carlos H. Romero, trapped on a bridge and fired upon a student demonstration protesting alleged police brutality. Amnesty International reported that twenty-one students were seen dead or dying following the attack. Though official accounts acknowledged only one fatality, reportedly none of the twenty-one students has been seen since.

President Molina's government plan for 1973-77 included a mild land reform measure, which he considered "integral" to his program for social and economic development. In October 1976, the Legislative Assembly, consisting exclusively of official party representatives, substantially modified the "Agrarian Transformation." In effect, the landed oligarchy pressured the government into postponing the land reform indefinitely.^{1/} The Catholic Church, known to support agrarian reform, was growing increasingly impatient with the government's tacit approval of persecution by the landowning class in the rural areas. ORDEN

^{1/} New York Times. April 8, 1977.

(Nationalist Democratic Organization), a para-military organization closely controlled by the military and allegedly directed by the Defense Ministry, was known to have intimidated or harmed members and supporters of opposition parties, and murdered at least 15 peasant leaders, between January and September 1977.^{1/} In February 1977, the government forcibly expelled or denied re-entry to 10 priests, several on charges of subversion. On March 5, in an historic Pastoral Letter, the Salvadoran Bishops Conference, whose members are generally known for their caution, confronted the government, demanding that the Army and other security forces stop all violence. They stated that "torture as a means of intimidation has increased."

Following the February 20, 1977 presidential election, the government declared the official party candidate, General Oscar Humberto Romero, the winner over Colonel Ernesto Antonio Claramount, the candidate for the National Opposition Union (UNO), a coalition of parties. In the week following the election, up to 60,000 opposition party members peacefully protested in the central plaza, alleging that the election had been a fraud. On February 28, the Army opened fire on the demonstrators who were demanding an annulment of the election. Amnesty International reported approximately 100 persons killed. On March 1, President Molina stated that the government gave "public warning to extremists and disrupters of public order, forewarning them that they

^{1/} Amnesty International. El Salvador: General Background. External Report. AI Index No. AMR/29/18/77. p. 6.

would be forcibly removed from the plaza and the adjacent areas. Since there was no response to the call to leave, the government, through use of Public Security Forces, removed these persons from the areas previously mentioned."^{1/} An Associated Press correspondent on March 1 reported that "the security forces attacked at one in the morning without warning."^{2/}

According to a March 1 press release by the Salvadoran Embassy, "President Molina stated that communism and international subversion were the guilty parties in the violent incidents which took place in the capital yesterday." (Feb. 28, 1977).^{3/}

That same day, the Legislative Assembly made up exclusively of official party representatives (Party of National Conciliation) voted in a "suspension of guarantees," in effect, a State of Siege. This measure placed all courts under military control, and denied Salvadorans freedom to enter or leave the country, freedom of expression and the press, privacy of correspondence, and the right of assembly. According to a press release by the Salvadoran Embassy, the "suspension of constitutional guarantees," also known as a "state of siege," was decreed on

^{1/} Embajada de El Salvador, A contecimentos Elecciones Presidenciales. Washington, D.C. March 3, 1977.

^{2/} Ibid., Anexo no. 1, March 1, 1977.

^{3/} Ibid., March 1, 1977.

March 1, because of "serious alterations in the public order."

Between February and June 1977, the government forcibly exiled or expelled dozens of persons, closed down a newspaper, broke up demonstrations occupied villages, and forcibly detained and even killed many persons through the use of National Guard, ORDEN or Army forces.^{1/} It is commonly assumed that as Defense Minister, Carlos Humberto Romero, exerted strong influence in these government activities.^{2/}

On June 30, the day prior to General Romero's inauguration as president, the State of Siege was lifted. President Romero sought to disassociate his administration from the previous regime. He denounced violence on all fronts and initiated a dialogue with the Church and the Christian Democrats. The government stepped up security measures, partially to protect the threatened Jesuit community and partially in response to increased activity by left-wing guerillas. Certain rights--freedom of movement and access to civilian courts, for example--are generally respected by the Romero government, except in the rural areas. Informed observers credit international pressure for President Romero's condemnation of violence and government protection of the Jesuits.^{3/} However, since July 1, 1977, persons in the

^{1/} Amnesty International. El Salvador: General Background.

^{2/} Latin America Political Report. 1, July 1977. Vol. XI No. 25.

^{3/} Newsweek. Aug. 1, 1977. p. 50.
New York Times. July 21, 1977. p. A3.

custody of security forces have continued to "disappear" or be killed. Also, recently passed legislation designed to combat "terrorist" gives increased leverage to security forces.

Integrity of the person

In a country of just over 4 million persons, several hundred persons have been killed or simply "disappeared" during 1977, according to documentation collected by the Catholic Church in El Salvador and Amnesty International. The fully documented cases of 45 persons, who have been killed, and of 27 who have simply "disappeared," were presented to the O.A.S. Inter-American Commission on Human Rights, prior to their in-loco mission in January 1978.

Since January 1977 Amnesty International has received documentation on the murder by security forces of 31 peasant leaders and the disappearance of an additional 26 peasant leaders. Also according to Amnesty International, another 100 persons were killed in the attack on demonstrators by security forces following the February elections. Since President Romero's inauguration, at least 14 people have been killed and 17 have "disappeared" while in the custody of security forces.

The Catholic Church has reported the murder of two priests and three catequists. The White Warriors Union, an extreme right-wing death squad which presented the Jesuits with a death threat in July 1977, claimed responsibility for one priest's death. Persecution of the church is closely

linked to persecution of peasants and of rural organizations, as religious personnel have worked increasingly for the poor in the rural areas.^{1/}

Five members of the upper class, including Salvadoran Foreign Minister Mauricio Borgonovo Pohl, former President Osman Aguirre, and industrialist Raul Molina Canas, were killed in 1977. The FPL (Popular Liberation Front) claimed responsibility for three deaths. Two other wealthy individuals were kidnapped. The FPL kidnapped the foreign minister, Dr. Borgonovo, and threatened to execute him unless the government released 37 political prisoners. The government did not accede to its demands. Many of these 37 prisoners "may no longer exist", according to a May 1977 article in Excelsior.^{2/} At least two of the 37 "disappeared" are presumed dead by Amnesty International.

In El Salvador, apparently arbitrary detention by government security forces leading to "disapperances" and probable elimination has become an increasingly common pattern. In 1977, Amnesty International's fundamental concern was these "disapperances" and probable murder in custody. In almost all of the documented cases of "disappeared" persons arrested by security forces, the government has not acknowledged their detention.

In 1977, at least 12 persons including four priests report having been tortured. In most cases, according to their testimony, government

1/ Amnesty International. El Salvador: General Background. p. 14.

2/ Excelsior, (Mexico City), May 10, 1977.

security forces carried out torture, including use of electric shocks. Dozens more persons report severe mistreatment and beating while in the custody of government authorities.

An accurate number of detainees is not presently available, largely because the government denies the existence in prisons of many persons, reportedly seized by security forces under the State of Siege. The bulk of the detainees have not been charged or tried in court. With the lifting of the State of Siege, detained persons are to be tried by civilian rather than military courts. Legislation that is designed to control terrorists was passed in November 1977. It gives the government's enforcement agencies wide latitude in handling any threat to the public order and the established government. In addition, while habeas corpus gives the judiciary the right to check on abuses by security forces, in practice the Supreme Court has done little to monitor actively the executive's political activities.^{1/}

Basic Human Needs

With a territory roughly the size of New Jersey and a population density of 500 per square mile, El Salvador is both the smallest and most overcrowded nation on the American continent. Its 3.5% annual population growth rate further aggravates competition over the country's extremely

^{1/} Amnesty International (External Paper) "Habeas Corpus in El Salvador: Legal Remedy in cases of illegal detention and "disappearance". AI Index No. AMR 29/08/77.

limited resources; the average annual population increase for Latin America is 2.9%.^{1/}

El Salvador's economy is based primarily on agriculture. In turn, distribution of goods is strongly influenced by land ownership and control, which is heavily skewed in favor of a wealthy few. The largest four per cent of the farms account for over 60 per cent of the land area, while the smallest 70 percent of all farms account for only eleven per cent of the land area.^{2/} Overall GNP per capita is \$410; however, the small rural farmer's average income per capita is \$133.^{3/} Moreover, there has also been a sharp increase in the number of landless families.^{4/} (30,451 - 1961; 112,108 - 1971; 166,922 - 1975)

Figures on life expectancy, infant mortality and literacy can be used as initial indicators of a country's "quality of life." On the Overseas Development Council Physical Quality of Life Index, based on a composite

1/ Government of El Salvador, Consejo Nacional de Planificacion y Coordinacion Economica (CONEPLAN). Plan de Desarrollo Economico y Social 1973-1977. San Salvador, Casa Presidencial, 1973, p. 35, Table #35.

2/ Inter-American Statistical Institute of the O.A.S., America en Cifras, 1972, Table 311-04. F.A.O. Preliminary Results of the World Census of Agriculture, 5th, 19th, and 21st Issues, as cited in Wilkie, James W., Statistical Abstract of Latin America, Vol. 17, 1976. Los Angeles, UCLA Latin American Center Publications, 1976, (Herein referred to as SALA), Table 500.

3/ Agency for International Development, Fiscal Year 1978 Subcommission to the Congress Latin American Programs, February 1977, p. 77 (AID).

4/ Bruke Melvin, "El Sistema de plantation by la proletarianization del trabajo Agrícola en El Salvador," Estudios Centro Americanos Universidad Centroamericana Jose Simeon Canes, 335/336 Sept.-Oct. 1976, p. 476.

of these indicators, El Salvador registers 67. Given its per capita GNP, this is modestly above the norm for Latin American countries. The infant mortality rate is 54 per thousand live births and life expectancy at birth is 58 years. However, 73.4% of all children under 5 years are malnourished.^{1/} After Haiti, El Salvador's population has the lowest daily calorie consumption and the fewest number of doctors per person in all Latin America.^{2/} Over 50% of all deaths occur among children under 5 years old.^{3/}

El Salvador has a literacy rate of 57%, but the need for education is the most acute in the rural areas, where literacy is closer to 30%. Also, according to AID figures, persons on farms under 1 hectare have a literacy rate 62% lower than that on farms 10 to 20 hectares.^{4/}

The percentage (4.4% in 1960 and 8.4% in 1970) of economically active persons in El Salvador served by social security is the second lowest in the Hemisphere.^{5/} In recent years, the number of workers covered by social

^{1/} A.I.D., Agricultural Sector Assessment: El Salvador, August 1977, p. 2021.

^{2/} Economic Commission on Latin America of the United Nations, (ECLA), El Desarrollo Latino americano y la Coyuntura Economica Internacional, Tercera Parte, 1975, p. 69 (as cited in SALA, table #105) and p. 59 (as cited in SALA, table #802).

^{3/} A.I.D. Agricultural Sector Assessment, p. 19.

^{4/} Ibid., p. 24.

^{5/} ECLA, Economic Survey of Latin America, 1973, p. 677 (as cited in SALA table #810).

security has risen slightly.^{1/}

Former President Molina made modest efforts to respond to the worsening situation of the rural poor. However, government expenditures on social services have not kept pace with the rapid population growth, the dislocation caused by rural to urban migration, and the sharp rise in the prices of basic necessities. For 1973-77, the government budgeted less for social services, as a percentage of total government expenditures, than was budgeted for 1967-73. The government budget included a 1.9% drop in education expenditures, a 1.6% drop in community development funds, a .4% drop in health-related expenditures, and a 3.8% decrease in housing expenditures. The only sector designed to reach the poor that showed a budget increase as a percentage of total government investment was road and water transport infrastructure.^{2/}

One of the original objectives of President Molina's government was income redistribution. Some form of agrarian reform was considered of the "greatest urgency."^{3/} Though a Salvadoran Institute for Agrarian Transformation was established in 1975, the government did not announce its first agrarian reform project until June 1976. This project would have involved

^{1/} IDB, 1976 Report, pp. 241-242.

^{2/} Government of El Salvador, CONEPLAN. Plan de Desarrollo, Table #6, "Comparacion de la Inversion Fisica (1968-1971) y (1973-1977).

^{3/} Ibid., p. 57 and p. 102.

the expropriation of about 120,000 acres, its redistribution to about 12,000 peasant families and compensation in long-term agrarian bonds to former landowners.^{1/} Former U.S. Ambassador to El Salvador, Ignacio Lozano, testified in a hearing that the private landowners' associations and Presidential candidate Romero made an "accomodation...that if he withheld public support of President Molina's agrarian reform program, they would in turn provide massive financial support for his election campaign."^{2/} Former Defense Minister Romero was in fact reported to have opposed the agrarian reform and is known as a hard line conservative.

President-elect Romero's 1977 platform had a stated commitment to "modernize and humanize the social progress of the middle and lower sectors,"^{3/} in the context of a free market economy. In a property tax law on rural land passed by the Legislative Assembly on Dec. 22, 1977, President Romero seeks indirectly to improve the lot of the lowest income sectors. This tax on land devoted to agricultural and/or pastoral use is designed to assuage landowners' fears of expropriation, while encouraging expenditures

^{1/} New York Times, April 8, 1977.

^{2/} Hon. Ignacio Lozano in U.S. Congress. House. Committee on International Relations. Subcommittee on International Organizations, Religious Persecution in El Salvador. Hearings, 95th Congress, 1st session. July 21 and 29, 1977. Washington, U.S. Govt. Print. Off., 1977. p. 12.

^{3/} Partido de Conciliacion Nacional (PCN), "Programa de Gobierno del Partido de Gobierno del Partido de Conciliacion Nacional," ECA Estudios Centro americanos No. 341, Ano XXXII, marzo de 1977, p. 229.

by landowners on campesino welfare and land utilization through tax breaks.

Civil and Political Liberties

Following the imposition of the State of Siege on February 28, 1977, freedom of expression was severely curtailed. The government began censoring politically-related news. Following the February 1977 elections, several foreign correspondents reported censorship by the government. On March 3, the government ordered the closure of La Cronica, a small, respected newspaper. The government did not shut down the major newspapers, which are all (except for La Cronica) owned by members of the ruling oligarchy.

The government also threatened several times to close the church newspaper Orientacion and its radio station unless they submitted to strict censorship. In May 1977, a bomb destroyed the church's printing press.

The lifting of the State of Siege on June 30 has permitted the reopening of La Cronica but self-censorship has continued. However, freedom of the press appears to be seriously restricted once again in a newly passed "public order law." Article 15 of the law, passed on Nov. 24, 1977, deems it a crime, punishable by one to three years in jail, to disseminate either inside the country or abroad "biased or false information designed to disrupt the constitutional or legal order, the country's peace and security, the economy or monetary system or the stability of public stocks and properties..."^{1/}

^{1/} El Diario de Hoy (San Salvador), November 25, 1977, "Ley Contra el Terrorismo."

Government restriction of freedom of movement was severe, especially after the State of Siege order which denied Salvadorans the right to enter and leave the country. The government has exiled or expelled fifteen priests.

On February 28, 1977, Col. Claramount, the U.N.O. presidential candidate, left El Salvador as an exile. The day of his departure, while in the custody of government authorities Col. Claramount signed a document stating that he left "voluntarily", although the government had presented him with two other options--house arrest or confinement in a military barracks. In Costa Rica on March 14, Col. Claramount explained his forced exile and stated that, "Under the pressure which was put on me and leaving my family defenseless, I had to sign such a document." (Feb. 28)^{1/} Dozens of opposition party members, including the former vice-presidential candidate, were allegedly forced to seek asylum or to go "underground" for fear of their lives. Many are living as refugees at present; they are estimated to number in the dozens.

Since lifting of the State of Siege, emigration has been permitted. However, Salvadoran law still requires a visa for each entry and departure. President Romero has stated that citizens who left the country for whatever reason may return "whenever they so desire."^{2/} The State Department affirms

^{1/} Col. Ernesto Claramount, "Declaration of Colonel Ernesto Claramount, Candidate for President of El Salvador by the Coalition of Opposition Parties (UNO) After his Forced Exile on February 28, 1977." (March 14, 1977)

^{2/} Agence France Press (San Salvador), September 13, 1977.

that two political exiles have returned. The most prominent political leaders, however, have not returned; several have allegedly been informed that the government will not assure their safety.

The Constitution of El Salvador declares suffrage a "right and duty." Elections are to be by "direct, equal and secret" ballot and contesting parties are to monitor the election process. While elections are regularly held, their validity in recent years has been seriously questioned. There were documented charges of fraud in the 1976 municipal and legislative elections and in the 1972 and 1977 presidential elections. Following the 1977 presidential elections, serious charges were made that the government committed widespread fraud in the election to insure the victory of the official party candidate, General Romero.

In the face of the events following the February 24 election, President Molina stated that "any position supporting agitation or protest in response to the results of the Central Electoral Commission constitutes a flagrant violation of the sovereign will of the people freely expressed in the ballot box.^{1/}

In Congressional hearings on "The Recent Presidential Elections: Implications for U.S. Foreign Policy" (March 9 and 11, 1977), documentation supporting the allegations of electoral fraud were presented. The Christian Democrat Organization of America submitted documentation gathered by their observer of the election process. It included tape recording of military

^{1/} Embaja de El Salvador, "Acontecimientos Elecciones Presidenciales," March 3, 1977.

officials' instructing their command posts on means to sway the election results. Messages included instruction to stuff ballot boxes, reports of arrest or harrassment of opposition poll watchers, and multiple voting by military officers. Testifying before Congress, the former vice presidential candidate Morales Erlich noted that the opposition coalition the U.N.O., had no role in the vote count; their observers were often excluded from the voting areas and the Electoral Commission was controlled by the official government party.^{1/} International press reports and responsible witnesses in El Salvador during the election confirmed the bulk of these allegations.

The State of Siege order restricted dissent severely by prohibiting meetings of more than three persons. The Armed Forces had the right to break up demonstrations, which they did, for example, on February 28. Since the lifting of the State of Siege a few peaceful demonstrations have taken place uninterrupted. However, two demonstrators were killed by police forces on October 28, 1977.^{2/}

On November 24, 1977, the Legislative Assembly decreed a "Law for the Defense and Safeguarding of the Public Order," "in the face of the serious-

1/ U.S. Congress. House. Committee on International Relations. Subcommittees on International Organizations and Inter-American Affairs, The Recent Presidential Elections in El Salvador: Implications for U.S. Foreign Policy. Hearings, 95th Congress, 1st session. March 9 and 17, 1977. Washington, U.S. Govt. Print. Off., p. 5.

2/ La Cronica (San Salvador), November 4, 1977.

ness of the terrorist actions and those provoked by international subversion." The law, presented by the ministries of defense, public safety and justice and initiated by President Romero, was designed to combat extremists;^{1/} however, it may be applied to restrict dissent and basic civil and political liberties. This "public order law" gives substantial leverage to government security forces. The law makes it illegal to interfere with productive activity or services, thus, the right to strike or hold demonstrations may become restricted. In addition, Article 15 of the law appears to make it illegal to punish or send out of the country information on government-related human rights violations.

U.S. Policy response

Executive Branch Statements and Actions

The executive branch has publicly expressed its policy towards El Salvador during a number of congressional hearings. In hearings on "The Recent Presidential Elections in El Salvador: Implications for U.S. Foreign Policy," on March 9, 1977, then-Deputy Assistant Secretary for Inter-American Affairs Charles W. Bray III testified that the U.S. Government had made representations to Salvadoran authorities in Washington and San Salvador regarding the "growing concern that elections might not be fairly conducted."^{2/}

^{1/} La Prensa Grafica 25 Nov. 1977.

^{2/} Ibid.

However, official U.S. information regarding the conduct of the February 20 elections is to remain classified "because as a factual matter we can not accurately assess many of the allegations."^{1/}

Regarding U.S. AID policy, Mr. Bray stated that the U.S. is "now taking a wait-and-see attitude until the government decides whether and how it may proceed ... given the controversy and delay in implementation of the agrarian transformation law."^{2/}

On July 21, 1977, former U.S. Ambassador to El Salvador, Hon. Ignacio Lozano, testified at a hearing on "Religious persecution in El Salvador." Responding to a question on the extent of support from Washington for his human rights initiatives, he answered "little to none."^{3/} In office until May 1977, Mr. Lozano was particularly concerned with the disappearance of an American citizen while in custody of Salvadoran authorities.

On July 29, Deputy Assistant Secretary for Inter-American Affairs Richard G. Arrellano cited several demarches by the U.S. government to the Salvadoran government concerning the terrorist threat against the Jesuits and actions to protect them. Mr. Arrellano also cited positive responses

^{1/} Ibid., p. 5.

^{2/} Ibid., p. 13.

^{3/} Hon. Ignacio Lozano in U.S. Congress, Committee on International Relations, Subcommittee on International Organizations, "Hearings: Religious Persecution in El Salvador," p. 16.

by Salvadoran authorities with regard to two issues of principal concern, one, problems of consular access and questionable treatment of detained Americans, and two, the case of a disappeared American.

U.S. support for a \$90 million Inter-American Development Bank loan for a hydro-electric project was reserved for several months in 1977, pending "demonstrable progress" in the human rights situation. On November 3, the U.S. representative of the Inter-American Development Bank voted to approve the loan to El Salvador.

After meeting with President Romero following the signing of the Panama Canal Treaty on September 7, President Carter spoke of "great progress in the last two months" in human rights in El Salvador. On October 21, the Deputy Assistant Secretary for Congressional Relations Douglas Bennet sent a letter to Senator Kennedy citing a number of "encouraging steps"^{1/} which had taken place since President Romero was inaugurated including: not reimposing the State of Siege, protective action for Jesuits, and an invitation to the O.A.S. Inter-American Commission on Human Rights to visit El Salvador. The letter also stated, "The situation remains one in which we see a need for continuing human rights improvement."^{2/}

Many in El Salvador viewed the Romero meeting with President Carter and the approval of the Inter-American Bank loan as a turning point in

^{1/} Department of State, Assistant Secretary for Congressional Relations Douglas Bennet, Jr., Letter to Senator Edward Kennedy, October 21, 1977.

^{2/} Ibid.

U.S.-Salvadoran relations. To them, the U.S. had indicated its intention to let up pressure on the government regarding human rights violations.

On November 12 the O.A.S. Inter-American Commission on Human Rights announced its unanimous decision to accept the invitation of the Salvadoran government to make an on-site visit in the first trimester of 1978. On January 12, 1978, a mission of the Inter-American Commission on Human Rights went to El Salvador and began its week-long investigation of violations of human rights in that country.

CONGRESSIONAL ACTION

The Congress, particularly the Subcommittee on the International Organizations of the House International Relations Committee, has maintained an active interest in monitoring the human rights situation in El Salvador. The Subcommittee has held a series of hearings: first, "The Recent Presidential Elections in El Salvador: Implications for U.S. Foreign Policy," with the Subcommittee on Inter-American Affairs on March 9 and 17, 1977, and second, "Religious Persecution in El Salvador" on July 21 and 29, 1977. On March 17, 1977, President Molina stated that the current U.S. congressional hearings on human rights in El Salvador had infringed on its sovereignty. He announced that his government would reject all future U.S. military aid.

Because of the rejection of military aid by the government of El Salvador and because of the human rights situation there, both the House and the Senate Foreign Relations Committees refused to authorize the \$25 million in Foreign Military Sales Loan Guarantees requested for El Salvador for FY 78. The Congress did authorize the \$600 thousand requested for International Military Education and Training for FY 78. The Congress also authorized for FY 78 \$9.5 million in loans and \$1.76 million in grants, a total of \$11.26 million in AID requests.

Human Rights Conditions in Indonesia*

A. Introduction

There are a number of sources of information on human rights conditions in Indonesia. Frequent coverage comes from Western journalists assigned to the country by such newspapers, journals, and news services as the New York Times, the Washington Post, Asian Wall Street Journal, Far Eastern Economic Review, and the Agence France Presse. In 1977, the Indonesian press increasingly covered the activities of various political groups and the government's reaction to these groups. Outside of Indonesia, the U.S. House of Representatives Subcommittee on International Organizations has held a number of hearings on human rights conditions in Indonesia. Information is also available from officials of the Carter Administration and from Amnesty International, which issued in October 1977 a major report on political prisoners in Indonesia.

In short, there are numerous sources and fairly wide access to information. Two qualifications must be cited, however. First, until the second half of 1977, the Indonesian government generally did not allow outsiders to observe conditions in prisons occupied by political detainees. With the announced release of 10,000 detainees in December 1977, the government has allowed a number of journalists and other outsiders to visit these facilities, and it has approved an inspection by the International Committee of the Red Cross. Second, the Government

* Prepared by Larry A. Niksch, Specialist in Asian Affairs

of Indonesia has allowed few outside observers into East Timor since Indonesian troops occupied that former Portuguese colony in December 1975-January 1976. East Timor remains largely shut off from outside scrutiny.

Indonesia is an island chain along the equator stretching 3,200 miles southeastward from the Asian mainland and containing 3,000 islands. Its population is estimated at 130 million with about 64 percent located on Java and the adjacent island of Madura. Ninety percent of the people are Muslim, and the status of Islam is a major source of political conflict.

The present Indonesian government is based on the 1945 constitution. It is divided into executive, legislative, and judicial branches. The president and the executive branch (which is dominated by Army officers and civilian "technocrats") are predominant. The national legislature, or House of People's Representatives (DPR), is fixed at 460 members, of which 100 are appointed by the President and 360 elected by popular vote. Another body, the People's Consultative Assembly, (MPR) elects the president and vice president when it meets every five years. It numbers 920, half of whom are members of the DPR; and the others are elected by regional organs of government and appointed by the armed forces.

The 1945 constitution sets out broad guidelines concerning relations between government and individual. First, it promulgates an official state ideology, Pancasila, containing five principles: belief in one supreme God, just and civilized humanity, nationalism and the unity of Indonesia, democracy which is guided by the wisdom of unanimity arising out of deliberation of representatives of the people, and social justice for all Indonesians. The 1945 constitution also specifies that freedoms of speech, assembly, and association "shall be prescribed by statute," thus allowing the government to regulate them. On the other hand, freedom of religion is guaranteed without qualification. The constitution also sanctions the right to work, "to a living befitting for human beings," and the right to an education.

B. Existing Conditions

1. Integrity of person

The most serious violation of human rights in this area occurred in 1966-67 when several hundred thousand suspected communists were killed, mainly by their fellow citizens, in the period following the unsuccessful communist-supported coup attempt of September 30, 1965. During much of this period, the government took little effective action to stop the killings. Since then, the situation has measurably improved; the number of political killings, terrorist acts, and kidnappings appear to be negligible. However, violent crime (murder, rape, robbery) reportedly has increased in the 1970's, especially in urban areas, although official statistics are lacking.

Indonesia's takeover of East Timor may have been an exception to this overall trend of improvement, but the conflicting claims and lack of access into Timor by non-Indonesians make a firm judgment difficult if not impossible. From December 1975 to March 1976, heavy fighting occurred in Timor between Indonesian forces and the forces of Fretelin (a pro-independence group), with a significant loss of life. The actual numbers killed and the circumstances under which they died are disputed. James Dunn, former Australian consul in Taiwan and an official of the Australian Legislative Reference Service, testified before the House International Organizations Subcommittee in March 1977 that Indonesian troops had killed possibly between 50,000 and 100,000 Timorese. Most

of Dunn's information came from Timorese refugees in Portugal. The Government of Indonesia denies Dunn's charge and has asserted that 60,000 Timorese died in the civil conflict before Indonesia intervened in December 1975 (Dunn claims the civil war claimed only about 1,500 lives). The State Department stated that Dunn's charges "are greatly exaggerated" and that total fatalities were under 10,000. The Department did not estimate the number killed in military operations as against any killed through wanton acts of Indonesian troops. Representative William Goodling, who visited East Timor in April 1977, testified that Timorese and Indonesian sources estimated to him that 40,000 - 60,000 were killed in the period of civil conflict and the December 1975-- March 1976 period of Indonesian intervention.

The status of political prisoners is another subject of controversy with regard to treatment, legal rights and status, and releases. In Indonesia, most, but not all, political prisoners are suspected communists who have been in prison since the 1966-67 period. Amnesty International and other groups and individuals have charged that the Indonesian government used physical torture frequently against these prisoners; and recent interviews of prisoners by journalists have confirmed the use of torture.^{1/}

^{1/} For example see: Jenkins, David. Inside Suharto's Prisons. Far Eastern Economic Review, October 28, 1977: 12; Jenkins, David. The Struggle for Survival on Buru. Far Eastern Economic Review, December 30, 1977: 12-14. McDonald, Hamish. Jakarta Frees 10,000 Detainees. Washington Post, December 21, 1977.

However, these same interviews and the Amnesty International report suggest that the incidence of torture in the prisons and other detention facilities has declined appreciably since the early 1970's.

Amnesty International claimed in its report that Indonesian authorities practiced torture both in prisons and in interrogation centers on new political prisoners. ^{1/} However, in congressional testimony in October 1977, Amnesty's head of Asia research stated that Amnesty did not maintain that "prisoners remaining in prison now are tortured continually or most of the time." For its part, the Indonesian government states that it does not approve the use of torture.

Diet, medical care, and "forced labor" are other areas of controversy. In some prisons, the diet of political detainees is less than that received by other prisoners. Medical care appears to be particularly poor among political detainees, and disease is reported to be prevalent (the Amnesty International report cited a particularly high level of tuberculosis).

By Western standards, diet and medical care are fundamentally inadequate. In comparison with the diet and medical care for the bulk of Indonesia's population, the differences are much smaller and in some cases non-existent (See Section 2. Basic Human Needs). Still the reported distinction between the treatment of political prisoners and

^{1/} Indonesia: An Amnesty International Report. London: Amnesty International Publications, 1977: 76-89.

common criminals and between the "A" and "B" categories of political detainees ^{1/} indicate that the Government of Indonesia could have done better with regard to both diet and medical care.

Amnesty International has charged that Indonesian authorities subject political detainees to "forced labor," generally work from sunrise to sundown in agricultural labor in order to provide themselves with food and sometimes to feed prison officials and guards and perform other tasks for them. The Government of Indonesia defends as legitimate the practice of requiring prisoners to work and help support themselves. ^{2/}

Indonesia has been most widely criticized with regard to the legal status and releases of political prisoners; for in dealing with suspected communists, communist sympathizers, and other political dissidents, the government has undertaken on a large scale arbitrary arrests and imprisonment of individuals for very long periods without trial. That is not disputed, but there is wide disagreement over the actual number of political prisoners and the Indonesian government's current plans for them.

^{1/} For a description of differences of treatment see: Jenkins, Inside Suharto's Prisons, 10-12; and Pura, Raphael. A Visit to Buru: Indonesia's Isle of Detention. Asian Wall Street Journal, January 6, 1978.

^{2/} For example see Wanandi, Jusuf. Human Rights: an Indonesian View. Far Eastern Economic Review, December 2, 1977: 23. Wanandi is a member of Indonesia's Centre for Strategic and International Studies, a "think tank" with close ties to the Government.

With regard to numbers, Kopkamtib, (the Command for the Restoration of Security and Order), stated in October 1977, prior to the release of 10,000 prisoners, that the number of detainees was 31,461, divided into several classifications:

"A" prisoners (those directly involved in the 1965 coup attempt and against whom there is sufficient evidence for a trial. This includes coup participants and high ranking communist officials): 1,925.

"B" prisoners (those involved in the 1965 coup attempt but against whom there is insufficient evidence for a trial; this allegedly includes many members of the Indonesian Communist Party and its mass organizations or "sympathizers" of the coup): 28,390.

"C" prisoners (those believed to be minimally involved in the coup attempt): all have been released.

"X" prisoners (an interim classification for people awaiting classification): 925.

"Y" prisoners (an interim classification for people arrested since 1976): 221.

Amnesty International asserts that the actual number of political prisoners is more than 55,000 and probably close to 100,000. It claims that the number of "B" prisoners is double the figure given by the Indonesian government and that some "C" prisoners are still being held. The State Department gave an estimate in October 1977 of 28,000-30,000. Other individuals, including some released prisoners, state figures between those of the Indonesian government and Amnesty International.

There is no way to judge the accuracy of these competing claims. Indonesian government figures in the past have been inconsistent, particularly with regard to the total number of "C" prisoners released since 1965.^{1/} On the other hand, a portion of Amnesty International's methodology, using Indonesian government figures on total prisoner releases, can be questioned as to its validity.^{2/}

Arrests of the detainees began immediately after 1965 coup attempt and continued well into the 1970's. Trials have been sporadic and non-existent for many. Admiral Sudomo, head of Kopkamtib, stated on November 28, 1977, that only 900 "A" prisoners had been brought to trial, leaving 1,600 more to be handled. Sudomo said the remaining trials would be held before the end of 1978, and "A" prisoners not tried would be included in the "B" category and eventually released. The Indonesian Embassy in Washington informed the author on January 20, 1978, that 800 "A" prisoners were still to be tried; this suggests that the Indonesian government had transferred several hundred "A" prisoners into the "B" classification.

^{1/} The government has stated two widely different figures: 600,000 (a 1975 figure) and 750,000 (1976 figure).

^{2/} In its October 1977 report, Amnesty stated that after 1972, official Indonesian statistics on numbers of prisoners released (which Amnesty said total 501,200) were no longer made available. However, on several occasions since December 1975, Admiral Sudomo has asserted that 540,000 had been released. As of January 1978, the government stated, 550,000 "C" prisoners have been released since 1965 (Information provided the Indonesian Embassy in Washington, January 20, 1978).

Besides these untried "A" prisoners -- many of whom have been incarcerated since the 1960's -- the thousands of "B" prisoners have been purposefully held without trial after four years because of insufficient evidence for prosecution. "C" prisoners have been held without trial for generally shorter periods of time.

Initially after 1965, individuals brought to trial for political offenses were tried outside the regular criminal justice system, in special military courts. More recently, regular civilian courts have handled most cases. Amnesty International and others ^{1/} have charged that these individuals do not have the same rights in court as individuals charged with non-political crimes.

In 1965, the Government of Indonesia began to release "B" prisoners: 1,309 in December 1975, 2,500 in December 1976, and 10,000 in December 1977, according to the government. Government plans calls for the release of 10,000 "B" prisoners in December 1978 and the remainder in 1979. Amnesty International charged in its report and in testimony before Congress that many of those released, especially in December 1977 and afterwards, will be forced to live in permanent penal settlements instead of returning home.

^{1/} Van der Kroef, Justus M. Indonesia's Political Prisoners. Pacific Affairs, Winter 1976-1977: 638-639; American University. Foreign Area Studies. Area Handbook for Indonesia. Washington, U.S. Govt. Print. Off., 1975: 399-401.

Statements by the Indonesian government on resettlement added to the confusion. Admiral Sudomo's press statement of December 1, 1976, asserted that those released who had lived on Java "will be transmigrated" to Buru and other islands where the government would establish transmigration centers. On October 25, 1977, Sudomo declared that resettlement in the centers would be on a voluntary basis, and Kopkamtib officials defended the centers as providing those released with a viable and relatively prosperous life with substantial government aid in the form of land, housing, and assistance in agriculture. Still, Kopkamtib officials stated that a released individual had to meet certain conditions (ideologically correct views, a family and neighbors willing to have him return, and a job) before being allowed to return to his former residence.^{1/} Sudomo stated on November 17 that the bulk of the released 10,000 would be resettled in newly opened farmlands in Sumatra, Borneo, and the Moluccas.^{2/} On November 24, he stressed that resettlement would be voluntary. Earlier, he had stated that those who returned home would be under house arrest for six months and restricted for the next six months to their resident city or town. After that, they would enjoy full citizenship with the exception of foreign travel and employment in government or vital private industry.

^{1/} Jenkins, Inside Suharto's Prisons, pp. 8-9. Hong Kong AFP, November 17, 1977.

^{2/} Radio Jakarta, November 24. 1977.

It is currently not known how many of the 10,000 released in December 1977 returned home and how many were resettled. Jusuf Wanandi, head of the Department of Public Affairs at Indonesia's Center for Strategic and International Studies, asserted in the Far Eastern Economic Review (January 20, 1978) that the majority chose to return to their homes. Fragmentary reports of releases (as of the end of January 1978) in certain areas appear to support Wanandi, but this question is likely to remain an issue in the release program.

Further controversy resulted from Kopkamtib statements at the end of December 1977 and early January 1978, which suggest that a large number of "unredeemable" "B" prisoners may not be released. Specifically, Admiral Sudomo announced early in January two more classifications--K and L--and said that 30-40 percent of the remaining "B" prisoners could be placed into the "K" category (for prisoners considered "die-hards") for being "obstinate."

2. Basic Human Needs

It is generally accepted that in comparison with other countries, Indonesia ranks fairly low in meeting the basic human needs of its population, though the country's economic growth rate has been reasonably high. Indonesia's GNP stood at \$16.3 billion in 1974 as against \$5.9 billion in 1950. GNP per capita rose from \$103 in 1950 to \$170 in 1974, an annual rate of just under 4%. The most recent Overseas Development Council's Physical Quality of Life Index rating was 50. Given the country's per capita GNP, that is right at the norm for Asian countries. When compared with countries in the region with similar per capita GNP levels, Indonesia's rating is lower than that of Sri Lanka, but higher than those of India and Pakistan.

For the majority of Indonesia's 130 million people, their standard of living is, by nearly every criterion, inadequate; the Government of Indonesia freely acknowledges this. The FAO estimated in the early 1970's that at least two-thirds of the population was malnourished; the lack of animal protein is a major deficiency. Clothing appears to be more adequate; but the shortage of housing was a key problem, especially on Java. Sanitation practices are quite low by Western standards. Health facilities and services are inadequate. There is only one doctor for every 23,500 Indonesians, and most live

^{1/} Health and Medicine. Far Eastern Economic Review, November 25, 1977: 34.

in Jakarta and other major cities. There is also a shortage of hospitals and clinics. Infant mortality (125 per 1,000 live births) is quite high within the East and South Asian regions and a 50 percent mortality rate exists among pre-school children. About 60 percent of Indonesia's population is literate, and the rate is about 70 percent for children in the 6-16 age group. Over 70 percent begin primary school (an eight year program) but many fewer than 50 percent complete the full eight years. Entrance into secondary education is determined by government examination given to primary school graduates throughout the country. Entrance into higher education is based on the results of a final examination at the end of secondary school. There appears to be no political or ideological criteria used in the selection of students for secondary or college education, but this is in the context of the general ban on communist activity.

The social and economic policies of the Suharto government since 1966 have achieved a number of positive results, but there have also been significant failures and shortcomings. Major accomplishments usually have been:

- (1) Reducing inflation from the 620 percent annual rate in 1965 to a current annual rate of near 10 percent.
- (2) Restoring economic growth from the "no growth" situation of 1960-1965 to an average annual rate of 7 percent in the 1970's.
- (3) Obtaining new financial resources from Western aid donors and indigenous oil production.

- (4) Through various credit and modernization programs, contributing to an increase of rice production (80 percent of the average Indonesian's calorie intake comes from rice) at an average rate of 4.0 percent per annum.
- (5) Reducing the population growth rate nearly 3.1 percent in the mid-1960's to 2 percent or perhaps less, largely as a result of voluntary family planning.
- (6) Achieving, according to many analyses, some improvement in living standards, especially among the rural poor, as well as a degree of improvement in the distribution of income in rural Java.

Major failures and shortcomings have been:

- (1) Failure to achieve self-sufficiency in rice production, thus necessitating imports of roughly 500,000 metric tons of rice in good years and as much as 1.7 million metric tons during poor production years.
- (2) Failure to diversify the national diet away from rice and towards more protein and vitamin-containing foods.
- (3) Allowing a highly visible and sizable gap between rich and poor to develop in Jakarta and other cities, featuring the phenomena of "conspicuous consumption" by the wealthy.
- (4) Failure to appreciably lower the unemployment/underemployment rate, estimated at around 30 percent.

- (6) Failure to reduce an apparently high level of corruption in government.
- (7) Failure to develop an efficient, revenue producing taxation and tax collection system.

In summary, in terms of improving the basic living standards of the Indonesian people, the Suharto government's performance far exceeds that of its predecessors, the Sukarno regime and the Dutch colonial administration. Yet, in certain key areas, it has fallen short of the potential for improvement. Indonesia's social and economic problems are monumental, and many observers question the ability of the government to alleviate them in the future. How the government deals with the fundamental issues of food, population, oil, and capital investment will determine success or failure in the decade ahead.

3. Political and Civil Liberties

In Indonesia, the degree of political and civil liberties is determined by a delicate balance between the government and private individuals and institutions. The government asserts the prerogative of regulating that balance in the interest of national stability and unity. It bases its prerogative on the state ideology of Pancasila and the restrictions on political and civil liberties contained in the 1945 constitution. Since the late 1960's the inclination of the Suharto administration has been to relax controls on freedom of expression and political activity; but when this has resulted in public disorders and demonstrations and direct criticism of President Suharto, the government has reacted by reimposing controls.

The January 1977-January 1978 period was a graphic example of this shifting balance from relaxation and greater openness throughout 1977 followed by a government crackdown in January 1978. Three areas were particularly significant during this period: the press, parliamentary elections, and the role of students.

The Indonesian press in 1977 became quite open in reporting political events, and it also increased its criticism of government policies and its reporting of similar criticism by individuals and groups. Critical articles and editorials appeared on such issues as conspicuous consumption of the wealthy, corruption and inefficiency in government, and government interference in the election campaign. The press also reported such events as the campaigns of the opposition parties; the growing anti-government activities of student groups; the pro-human rights campaign of PERADIN (an organization of Indonesian lawyers); and finally the Sawito trial in December 1977-January 1978, including testimony of corruption involving Mrs. Suharto. The techniques of presentation of stories and editorial comments also evolved from the indirect to the more direct.

The government appeared to encourage greater press openness. It expressed little adverse reaction to the Indonesian newspapers during the election campaign, although it placed some travel restrictions on foreign reporters covering the election. Government officials praised the press on occasion; and on August 11, 1977 Admiral Sudomo called on the press to expose corruption in government and stated that newspapers "can now attack the government, for a good cause."

The 1977 parliamentary elections produced more political activity than had the previous 1971 campaign, even though many of the same government restrictions were in effect. These restrictions included prohibitions on certain types of campaigning (prohibition on criticizing Indonesia's "Pancasila" ideology or the 1945 constitution and prohibition of slander or contempt for government officials); empowering regional military commanders to regulate campaigning; and the screening of candidates (which eliminated 92 of the opposition Development Unity Party's 700 candidates vs. only 25 of the pro-government Golkar's 612 candidates). Nevertheless, the Islam-based Development Unity Party (PPP) waged an intense campaign with the support of certain segments of the press. The PPP attacked the government's economic policies and claimed that Golkar supporters were non-believers. Violent clashes reportedly occurred between pro-PPP and pro-Golkar elements, and the PPP made numerous charges of government interference with and intimidation of PPP supporters and later accused the government of vote fraud in East Java. Several foreign journalists and Indonesian observers subsequently made similar charges.

The election results showed Golkar with 62 percent of the vote, slightly less than in 1971 and short of the 65-70 percent predicted by Golkar leaders. The PPP received nearly 30 percent, and the small Indonesian Democratic Party (PDI) picked up the rest.

Strong student support of the PPP carried over into rising student political activity in the post-election period. Large student demonstrations occurred in November, December, and early January 1978. Besides general criticism of government policies, many students strongly opposed the assumed re-election of President Suharto by the MPR in March 1978.

Initially, the government appeared to encourage greater student political activity. In the summer of 1977, it was tolerant of such activity (despite some warnings by military officials), and President Suharto ordered government officials to initiate a dialogue with students. However, the government ended the dialogue in August when government-student meetings produced strident student criticism. Still, Adam Malik, who had left the position of Foreign Minister to become speaker of the newly elected DPR, met student leaders in October, promised them that the parliament would be more independent and assertive, and urged students to submit proposals to the parliament.

The government's attitude gradually hardened, as it increasingly feared that growing student demonstrations--encouraged by Muslim groups--would result in large-scale disturbances when the MPR met in March. On December 15, Indonesia's top military leaders warned that the armed forces would act against anyone threatening the country's leadership, especially in regard to the March presidential elections. On January 3, the government arrested a prominent University of Indonesia professor, Dr. Ismail Suny, for alleging high level corruption in government to a student panel. The government released Suny on January 13.

The student response early in January 1978 heightened the confrontation further. On January 7, student representatives gave Malik a list of demands for political, economic, and social reforms, warning that the government "would lose our confidence" if it failed to act quickly. A violent clash between students and anti-riot troops took place in Surabaya on January 11. Amidst further government warnings, thousands of students demonstrated in Bandung on January 16 after a meeting of the "66 Generation" (student leaders who led the students against Sukarno in 1966) which warned that changes in government policies were necessary "to prevent President Suharto from meeting with the same fate as Sukarno." Moreover, the student council and student association of Bandung Institute of Technology presented a resolution demanding that President Suharto not be a candidate in the March MPR election; the council also issued a "white book," which criticized the government and called on Suharto to step down. On January 18, ten prominent student leaders met with Lt. General Alamsyah, deputy chairman of Suharto's Supreme Advisory Council, a group of senior dignitaries. The students requested that the Council advise Suharto not to run for the Presidency, and they warned that if the demand was not met it might be necessary to bring about a change of leadership, "via the tradition of bloodshed."

The government crackdown began on January 21 with the arrest of students (223 according to Admiral Sudomo on February 4) and the closing of seven newspapers. Sudomo stated that those arrested had committed

"subversive activities" and that the newspapers were banned for "continuously reporting" the student activities. The government also suspended the operations of university student councils. However, at the beginning of February, the government permitted the newspapers to resume publication.

In short, after a year of expanding civil and political liberties, often with government encouragement, the government again had shifted the balance back toward a more restrictive atmosphere.

C. U.S. Policy Response

Until the Indonesian government's suspension of newspapers and student activities in January 1978, the Carter Administration indicated a generally favorable attitude toward the trends in human rights conditions in that country. In October 1977 Deputy Assistant Secretary of State Robert Oakley, in congressional testimony, cited generally positive trends in the areas of political prisoners and political and civil liberties. On December 31, 1977, the State Department issued a statement praising the release of the 10,000 detainees, which stated that "prisoners were permitted to return to their homes and were not assigned to transmigration centers as originally anticipated." Patricia Derian, State Department Coordinator for Human Rights and Humanitarian Affairs, praised the release during a visit to Jakarta in January 1978, and she indicated that the Carter Administration favored an accelerated release program for the remaining detainees. President Carter implicitly took some credit for the release when he declared in his January 1978 State of the Union address that his human rights policy had been influential in the freeing of "thousands of political prisoners" in several parts of the world. Administration officials also questioned the claims that as many as 100,000 had been killed in East Timor, and it opposed withholding aid to Indonesia because of the East Timor situation. In short, the policy responses encompassed public praise, undoubtedly private encouragement, and questioning of the more critical views of the human rights situation. As of January 31, 1978, the Administration had given no official response to the arrests and newspaper suspensions.

The only exception to the generally favorable attitude was the Administration's action in delaying Title I, P.L. 480 food shipments to Indonesia. This action was in accordance with recent foreign aid legislation barring P.L. 480 shipments to countries that violated human rights unless the recipient government promised that the food would go to the neediest segment of the population. The Government of Indonesia accepted this stipulation in December 1977.

The congressional response came entirely from the House Subcommittee on International Organizations. The Subcommittee held hearings on East Timor on March 23, June 28, and July 19, 1977. Numerous witnesses testified, and many were critical of Indonesian policy. Administration officials also gave testimony. Two members of the House International Relations Committee, Representatives Meyner and Goodling, visited East Timor in April 1977 and testified on June 28. On October 18, 1977, the Subcommittee held hearings on political prisoners and heard testimony from officials of Amnesty International and Deputy Assistant Secretary Oakley.

The rest of Congress showed little interest in the issue. Several factors may help to account for this fact: (1) a general movement of congressional interest away from Southeast Asia in the post-Vietnam War climate; (2) a possible reluctance to politically oppose the Carter Administration on this issue; and (3) some acceptance of the administration-supported thesis that trends in Indonesia were in the direction of greater openness and, therefore, should be encouraged and/or rewarded.

IRAN*

A. Introduction

Politically, militarily, and in relative terms of population, education and skills, Iran is the most powerful country in the Persian Gulf region. It is perceived by its ruler, the Shahanshah Muhammad Reza Pahlavi, to be a bridge between East and West. For more than two decades, the Shah has pursued a policy of social and economic modernization with the objective of making Iran a twentieth century nation. While his programs have produced social and economic change beneficial to the Iranian people, the authoritarian methods employed by the Shah to maintain control over the country have placed sometimes severe limitations upon civil and political liberties, and a number of excesses have occurred. U.S. policy has been supportive of the Shah for national security, economic, and geopolitical reasons and such support, in recent years, has entailed largescale sales of modern military equipment and services to Iran. Such sales, combined with an increasing congressional interest in the relationship of human rights to U.S. foreign policy, have caused Iran to become a focal point of congressional attention with respect to restrictions on human rights.

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Considerable information is available on the issue of human rights in Iran. Articles and commentary on the subject in both Western and Soviet bloc newsmedia indicate a continuing interest by the external world in the political, social and economic dynamics of the Iranian modernization process. The benefits of modernization have been weighed against present limitations on individual freedoms and civil rights. The issue of human rights in Iran also has resulted in the publication of an Amnesty International briefing paper (November 1976) and its inclusion in that organization's annual reports. In March 1976, the International Commission of Jurists published two reports on human rights in Iran and the Iranian legal system. In Congress, the Subcommittee on International Organizations of the Committee on International Relations has held hearings on human rights in Iran, the most recent being that of October 26, 1977. While a considerable amount of information, both factual and unsubstantiated, on the issue is available, it has been stated that precise information concerning political prisoners has been difficult to obtain.

Since the 1968 announcement by the British Government of its decision to withdraw British forces from the Persian Gulf by 1971, U.S. policy has centered on support of the two strong pro-Western states on either side of the Gulf--Iran and Saudi Arabia--in order that they may play key strategic and regional security roles.

With an area of 636,300 square miles--larger than the nine European Economic Community countries combined, Iran is bounded by Iraq, Turkey, Afghanistan, Pakistan, and, with a 1,250-mile border, by the Transcaucasian and Turkistan territories of the Soviet Union. Its southern border comprises a 1,200-mile coastline extending from the head of the Persian Gulf to the Gulf of Oman, on the open waters of the Indian Ocean. A U.S.-Iranian military relationship has existed since World War II and it underlies the Iranian segment of the United States' "twin-pillar" policy in the Persian Gulf. The United States has become Iran's principal arms supplier and, to date, there has been a minimum of restraint in arms sales. Iran also has become a major market for U.S. agricultural and industrial exports. The country supplies about 6 percent of U.S. annual petroleum imports, more than 16 percent of those for Western Europe, almost 24 percent for Japan, and almost 70 percent for Israel.

The Iranian Constitution of 1906 and a supplementary law of 1907 established the legal basis of the Iranian governmental system as a constitutional monarchy, with the Shah as head of state. The present Shah plays an active decision-making role, and he appoints the Prime Minister and other Cabinet members, with the approval of the Parliament, for terms determined by the Shah. The bicameral Parliament consists of a Majlis (Lower House) and a

Senate. The ruling elite, comprising the Shah, the royal family, high-ranking officers of the armed forces and senior civil servants, wields virtual absolute power. The division of power between members of the Court and the armed forces is delicately balanced; in instances of a threat to the security of the state, the Shah has relied upon the continued loyalty of the armed forces to maintain order. Monarchical control of the armed forces has been enshrined in Iranian politico-military tradition.

Consolidation of the Shah's power in the early 1960s, following more than two decades of political uncertainty, affected the major sources of challenge to the monarchy. The Communist Tudeh Party, one of the major groups in the National Front of former Prime Minister Mossadeq, was proscribed, and an extensive Communist network in the country dispersed. The Mossadeq faction within the National Front also was forced to cease its overt activities.

In an effort to broaden public support for his regime, the Shah initiated in 1961 a series of administrative, social and economic reforms. These were formalized in a national referendum in January 1963 as the "White Revolution," and constituted a determined effort to stabilize and modernize the country and to eliminate foreign influence in Iranian affairs. In seeking to eradicate the country's perennial political and economic problems, the Shah's rule shifted from what has been termed a "loose authori-

tarianism" of the 1950s, during which time a degree of free speech and political activity was tolerated, to a "royal dictatorship" in the 1960s, when opposition elements, including communist groups and ultra-conservative religious extremists, participated in anti-regime campaigns, marked by kidnappings, assassinations and protest strikes. Increased reliance was placed upon the armed forces and other security services to suppress or dissipate opposition elements standing in the way of the Shah's goals of modernization. The period since 1963 has become characterized by rapid economic growth and by the expansion of the armed forces.

In March 1975, the Shah, dissatisfied with the structure of party politics in Iran and in an effort to weld together supporters of the principles of his "White Revolution," announced the formation of a single party system--the Resurgence Party of the People of Iran (RPPI). All other political parties were dissolved. In a policy statement issued at the time, the Shah declared that members of the RPPI must believe in three cardinal principles--support for the Constitution, the monarchy, and the goals of the "White Revolution."

The Shah's "White Revolution" has dictated in principle and often in detail the country's economic and social policies. Much of the direction of change in Iran over the past fifteen years, therefore, has emanated not from the various five-year economic development plans elaborated by the government bureaucracy but

from the Shah's personal reform program, which has been a more demanding guideline for development and has dominated use of resources. The country has one of the most far-reaching development strategies among the oil-producing states of the Persian Gulf region.

The Shah's ambitious domestic and foreign policy goals have stretched the capacity of his people to attain them and have produced strains in the political, economic and social fabric of the country. The spectacular results of overall economic growth, attained with the support of oil revenues, could not obscure the structural weaknesses in the Iranian economy. The "White Revolution" has achieved considerable success in a number of aspects of modernization of the country; on the other hand, it has engendered an intolerance toward political dissent and has led to an increased reliance upon the armed forces and security organizations to control opposition elements. The Shah's regime continues to face opposition both from the left and from traditional elements among the population.

The 1907 supplementary law to the Iranian Constitution, in addition to providing for the separation of powers in government, specifically guaranteed, in 18 articles, equal rights to Iranian citizens. A modernized legal system, based on the French legal system, was adopted in 1926. This took the place of the traditional system which had been composed of the shari'a and secular law,

administered by the Muslim (Shi'i) clergy and the Shah's government respectively. It should be noted that Iran ratified the U.N. International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1975.

B. Existing Conditions

1. Integrity of the Person.

Amnesty International (AI), in its Briefing Paper on Iran and its 1977 Report, articulated its concern for arbitrary arrests of suspected political opponents, the use of torture, a lack of legal safeguards, unsatisfactory trial procedures, executions and unofficial deaths. The two reports by the International Commission of Jurists (ICJ), published in 1976, praised certain aspects of the regular judicial system in Iran but concluded that the Iranian Government, except in the case of women, had not implemented fully the basic and fundamental civil and political rights of its citizens. In summary, with respect to the integrity of the person, the reports maintained that:

a) the arrest and detention procedures for political prisoners "deprive such persons of their right to be brought before an independent examining magistrate";

b) there was "abundant evidence showing the systematic use of impermissible methods of psychological and physical torture of political suspects during interrogation"; and

c) political suspects, tried before Military Tribunals, were deprived of "accepted standards of due process of law."

Crimes against state security or involving destruction of government property, bodily harm to government officials, armed robbery on highways, or narcotics are handled by military tribunal, with many of the hearings held in camera. As a result of this process, there had been between 2,800 and 3,500 persons held in prison as of December 31, 1976, including those convicted of crimes related to terrorism and other forms of violence.^{1/}

The ultimate internal security of the country is maintained by the Iranian armed forces and the National Information and Security Organization (SAVAK). The ICJ reports noted that whereas, in most cases, individual Iranians could obtain an effective remedy for violations of their rights within the civil judicial system, persons in SAVAK custody generally lacked such a remedy unless the Shah authorized appeal to the criminal chambers of the Court of Cassation.

As a result of the publicity generated by AI and ICJ findings on human rights in Iran, the Iranian Government in the latter part of 1976 initiated moves to consult the two organizations, together with the International Committee of the Red Cross (ICRC). The

^{1/} According to Amnesty International, estimates of "political" prisoners made by foreign journalists and Iranian exile groups range from 25,000 to 100,000.

ICRC was invited to send teams of investigators into Iranian prisons and to investigate interrogation centers in the country. AI Secretary General Martin Ennals visited Iran in March 1977 and discussed with the Shah and Iranian officials allegations of torture by SAVAK, the question of maltreatment of prisoners, and illegal and prolonged detention. Ennals was informed by the Shah that the Iranian Government was willing to receive suggestions about ways in which judicial procedures might be improved. William J. Butler, Chairman of the ICJ Executive Committee, discussed with the Shah in May 1977 his organization's concerns with respect to the procedures of arrest, detention, investigation, and trial of those whom the Iranian Government considered to be security risks, terrorists, aiming to destroy the government, or political opponents.

Butler summarized these concerns as follows:

- a) detention of suspects by SAVAK;
- b) ill treatment of detainees during this period;
- c) denial of the right of the accused to representation by counsel of his choice;
- d) trials in camera or in secret;
- e) denial or restriction of the right of appeal;
- f) summary carrying out of death sentences; and
- g) refusal to grant permission to international legal observers and the international press to attend trials in Iran.

In his testimony before the Subcommittee on International Organizations of the House Committee on International Relations in October 1977, Butler indicated that changes undertaken by the

Iranian Government in 1977, subsequent to his visit to Iran, with respect to the military tribunal system would improve substantially the due process protection of individuals involved in crimes against state security. In addition, a law was passed in 1977 that provided for penal measures for discrimination on grounds of race, creed or sex. The Shah had issued a public statement proscribing the use of torture. A bill was before the Iranian Parliament that was designed to streamline the civil court system and improve the administration of justice. As of October 1977, there had been no reports of inhumane treatment against prisoners.

In its 1977 Report, AI noted the release of an unspecified number of prisoners, including political prisoners, on amnesties, as well as the attendance at a trial of political prisoners by foreign observers and journalists, for the first time since February 1972. AI also commented that four official executions of prisoners had been reported during the year, but, in addition, the number of political activists reportedly killed during battles with police had "noticeably" increased.

A State Department Airgram, dated August 16, 1977, concerning the military court reform legislation passed by the Iranian Parliament in August, stated that the purpose of the legislation was to guarantee rights to individuals on trial for national security crimes. Significant changes resulting from the legislation in-

cluded the provision that the accused would have the right to civilian counsel of his own choosing, and that the prosecutor must undertake preliminary interrogation of the accused within 24 hours after the latter's appearance. Trials of dissidents would be held in public unless the security of the state otherwise dictated. Other changes included the right of lawyers independently to represent their clients, and their right not to be subject to prosecution for anything they might do in their client's defense.

The Iranian Government has been commended by the ICJ with respect to women's rights. Women in Iran were unveiled in 1935 and, until that time, had been unable to obtain jobs in government, go to a university, or engage in a profession. In 1963, under the principles of the Shah's "White Revolution," women were given full franchise rights. At the present time, Iranian women participate in the medical, teaching, and legal professions. Between 1962 and 1972, the number of girl students had increased from 506,532 to 1,168,001, and, in institutions of higher learning, from 3,839 to 23,869. Iranian women are protected by law from the unilateral prerogative formerly given to men with respect to divorce and polygamy. The Shah's program for women has engendered considerable opposition, including violence, from ultra-conservative religious elements.

2. Basic Human Needs

As stated above, since 1963, with the formal initiation of the "White Revolution," Iran has experienced rapid economic growth together with expansion of the armed forces. In 1963, per capita GNP stood at \$684 rising to \$1,370 as of 1975. The Overseas Development Council Agenda for 1977 listed the physical quality of life index (PQLI) for Iran as 38.

The ICJ reports of 1976 made specific reference to progress accomplished by the modernization programs of the "White Revolution" and the Shah's implementation of many of the principles set out in the International Covenant concerning Economic, Social and Cultural Rights. Between 1963 and 1967, the Shah formulated 12 primary objectives upon which his social and economic reforms were to be based. These objectives included:

- a) abolition of the peasant-landlord tenure and redistribution of all landed estates which were not being cultivated by the proprietors themselves;
- b) nationalization of forests and the conservation and better use of lands generally;
- c) public sale of state-owned factories to cooperatives and private individuals to finance land reform and to create investment opportunities for the public generally;
- d) the introduction of profit sharing in industry, between workers and owners;
- e) the formation of an educational corps of high school graduates who during their military conscription would act as primary school teachers in rural areas to combat illiteracy;

- f) the establishment of a health corps composed of doctors and dentists giving free medical attention in rural areas and providing training in sanitation and health standards;
- g) the establishment of a reconstruction and development corps to help modernize farm life and agricultural methods and increase farm productivity;
- h) the nationalization of waterways to encourage the conservation and the better use of Iranian water resources and to stimulate research in that field;
- i) the commencement of national reconstruction on a greater scale in rural and urban areas; and
- j) implementation of administrative reforms including the modernization, reorganization and decentralization of government and agencies and the civil service generally.

As of 1975, the land reform program had resulted in the purchase and redistribution of 16,351 villages (of a total of about 54,000) to millions of Iranian farmers. It was estimated that more than 12.5 million persons, including farmers and their families, had become owners of their own land. The Iranian Government was attempting to increase land productivity through the development of rural cooperatives, rural houses, educational programs pertaining to the use of seed, fertilizer and water, and financial institutions to aid the farmer.

With an illiteracy rate of approximately 65 percent, the Iranian Government undertook a large-scale program to raise the literacy level of the population. In addition to the creation of colleges and universities through contacts with universities abroad, Iran also created a Literacy Corps which travels from village to

village initiating literacy programs among the people. In the first ten-year period ending in 1974, it was estimated that the Corps helped 2,200,000 children, youths and adults to achieve literacy in the villages, and more than 600,000 in urban centers. At present, more than 100,000 young men and women serve in the Literacy Corps.

Since the proclamation of the "White Revolution" in 1963, the average life expectancy in Iran has increased from 41 to 55 years. Considerable improvements in medical care have been achieved through the increased number of physicians and hospitals. Although only one-half of the rural population does not at present receive medical aid, it is the government's aim that all Iranians will have access to medical facilities by 1982. The Health Corps has enabled over one-third of the rural villages to receive medical help.

Iranian military expenditures have competed with economic development plans, and there is a continuing competition between the civil and defense sectors for available manpower. On the other hand, large numbers of young Iranians who are fulfilling their two-year terms of conscription, because of the increasing requirements for trained military personnel, are being taught skills that have wide application throughout the country's economy. In addition, defense programs are helping to develop entire new communities in sparsely populated areas of Iran, together with the associated basic infrastructure such as roads, water supply, ports, housing,

electricity, and communications. These programs are serving as catalysts for population redistribution and industrial growth.

On the basis of its rising income from oil, the Iranian Government plans to achieve a per capita gross national product (GNP) during the course of the next decade comparable to that of West Germany. In order to achieve this goal, the government has concluded a number of trade and joint venture agreements with the industrialized countries for the transfer to Iran of technology and skills on a massive scale.

Over the past four years, Iran has suffered from what some have termed "economic indigestion." While government revenues and expenditures, real net national income, and capital formation have increased considerably, growth has not been balanced, waste has been extensive, and the physical and social infrastructure has lagged behind objectives. Middle and low cost housing has been in short supply, and housing objectives have remained far from being met. It had been hoped that Iran's incipient inflation could be arrested during 1975-76 with price controls and fixed profit margins, but shortages and an accompanying black market developed. The labor bottleneck is likely to remain one of the most critical long-term problems affecting economic development and the modernization of the armed forces.

3. Civil and Political Liberties.

Freedom House lists Iran as "not free." Amnesty International claims that freedom of speech and association in Iran are non-existent, there is censorship of the press, academic freedom is restricted, a single political party system prevails, there are restrictions on the freedom of movement overseas for some Iranians, and trade unions are illegal. The International Commission of Jurists, in its 1976 reports, stated that, despite theoretical guarantees of freedom of the press from censorship, in practice there was no freedom of speech or of the press. Although there was no systematic censorship, tight control over material published was effectuated through control of advertising, control of news-print, severe sedition laws, and control of information coming from government. The ICJ also concluded that Iran's single-party system was "a severe limitation on the freedom of association and freedom of expression."

In his testimony before the Subcommittee on Investigations of the Committee on International Relations in October 1977, State Department Director of the Office of Iranian Affairs, Bureau of Near Eastern and South Asian Affairs, Charles W. Naas, stated there was considerable opportunity for political debate and criticism of governmental performance within the single party system. He noted that foreign news media containing criticism of the Iranian

Government have long circulated freely in Iran, and that, during 1977, there was an increasing relaxation with respect to internal criticism in the press. Naas also commented that while organized labor strikes were illegal, a substantial number of wildcat walkouts have occurred. Contrary to AI's contention that trade unions were illegal, Naas stated that the Iranian Workers' Organization represented 17 federations which were in turn composed of 750 trade unions possessing about 600,000 members.

C. U.S. Policy Response

Successive U.S. administrations since World War II have recognized Iran's economic and strategic importance to U.S. interests in the Middle East. Present U.S. policy, as stated above, has centered upon support for Iran and Saudi Arabia--the "twin pillar" policy--in order that they may play key strategic and regional security roles. Within this context, U.S. policy objectives have been enunciated by the administration as being:

- a) to strengthen Iran in order to deter possible aggression in the area by the Soviet Union or its allies;
- b) to assure the continuing availability for the United States and its allies of the critical oil supplies imported from Iran;
- c) to support Iran in its determination to provide, along with Saudi Arabia, security and stability for the oil-rich Persian Gulf region;

- d) to maintain close economic and commercial relations between the United States and Iran (with anticipated nonmilitary American sales to Iran in the 1975-80 period estimated to be about \$22-23 billion); and
- e) to support Iran in its efforts to promote political stability, economic development and regional cooperation in the area from Turkey to India.

The interest of the United States and Iran have coincided on a number of points that, to some extent, have been formalized by U.S. association in the Central Treaty Organization (CENTO) and by several bilateral agreements in various fields.

Assistant Secretary of State for Near Eastern and South Asian Affairs, Alfred L. Atherton, in testimony before the Subcommittee on International Organizations of the Committee on International Relations in September 1976, described as "a matter of public record," U.S. interests "in our bilateral relations with Iran, and the ways in which Iranian policies are congruent with and supportive of ours in the Middle East, in South Asia and globally." Atherton urged that the question of political and civil rights in Iran be examined "in the perspective of Iran's historical experience and in the context of human rights in Iran in their broadest sense." His testimony emphasized the Shah's social and economic programs, the problems posed by terrorist activities which had claimed American lives in Iran, and the difficulty of verifying many of the charges laid against the Shah's regime by its opponents.

The United States does not currently provide economic or military assistance to Iran in the form of loans or grants. U.S. economic assistance was terminated in November 1967 on the grounds that Iran no longer constituted a "less developed country" and therefore was eligible for Export-Import Bank financing. Grant military assistance was ended in 1969 by virtue of Iran's ability to finance its own needs. With the dramatic increase in oil prices among Organization of Petroleum Exporting Countries (OPEC) in 1973, the Iranian social and economic development programs, which included as one of its most significant components the sweeping modernization of its armed forces, accelerated on a massive scale. Arms sales agreements between the United States and Iran were comparatively modest before the influx of petrodollars gave Iran the means to purchase almost any conventional weapons system it desired. In 1970, Iran had placed FMS orders with the United States for \$113 million; two years later, but still before the oil price increase, Iran placed orders for \$519 million of materiel; in 1977, arms sales agreements between Iran and the United States amounted to an estimated \$5.5 billion. This high volume of sales of some of the most sophisticated military equipment in the U.S. inventory has focused increased congressional attention upon U.S.-Iranian relations.

Although individual Members of Congress in the past have from time to time expressed their concern with respect to human rights violations in Iran, systematic efforts by the Congress to examine the issue began in 1976 under the auspices of the House Committee on International Relations. The Subcommittee on International Organizations held hearings on August 4, 1976, and heard testimony from ICJ Chairman of the Executive Committee, William J. Butler, and received a written submission from Amnesty International on human rights in Iran. The Subcommittee, on September 8, 1976, heard testimony from Assistant Secretary of State Atherton concerning the official U.S. position on human rights in Iran, and from Professor Reza Baraheni, a former political prisoner in Iran, on political oppression in the country and his experiences as a prisoner.

The Subcommittee on International Organizations held a hearing on the issue on October 26, 1977, and testimony by ICJ Chairman Butler concluded that the Subcommittee had made a significant contribution to the development of human rights in Iran. It was also stated that President Carter's human rights proposals had had a major impact on Iran and the Iranian Government had responded positively. Subcommittee Chairman Donald Fraser commented at the hearing that Iran "in a way" symbolized one of the major challenges to the United States in dealing with the problem of human rights:

In our bilateral relations with almost any country around the world... we have these interests and these problems; in Iran we have them all in one place. It is a country obviously important to us, it is a friendly country, From a security point of view it is important. It is a large purchaser for cash--we never underestimate the interest of some people in that prospect--and yet, it has had a history of very severe human rights problems.... Given the importance of the country, and the President's interest in human rights issues, I would think at some stage somebody would sit down and sort of think this through in terms of how it is going to work.

State Department Director of the Office of Iranian Affairs

Naas stated at the hearing:

As Secretary Atherton said last year, even from a point of real politique, human right are of considerable interest because if a country is not responsive to the needs and desires of its people, in due course that could lead to instabilities and, therefore, developments harmful to our own interests.

During the most recent visit of the Shah of Iran to Washington in November 1977, President Carter on November 1 assured the Shah the United States would continue to assist Iran in meeting its "security needs" and fulfilling its "economic and social development programs." The Washington Post, on February 7, 1978, reported that the administration had no plans to cut back on Iranian arms sales as a protest against the human rights situation in Iran. It cited a yet-to-be released State Department report on Iran which noted some improvement in the country's human rights situation during 1977. In the main, however, the report concluded that allegations of torture, cruel or inhuman punishment, arbitrary imprisonment and denial of fair trials still persisted and, in many instances, "appear credible."

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ISRAELI OCCUPIED TERRITORIES*

Introduction

Sources: On 19 December 1968, the United Nations General Assembly established the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The Special Committee has issued nine reports ^{1/} on its investigations and findings of alleged violations of the 1949 Geneva Convention relating to the Protection of Civilian Persons in Time of War. Israel has not cooperated with the Special Committee.

Shortly after the June 1967 Arab-Israeli war, the International Committee of the Red Cross requested and received permission from Israel to visit prisoner of war camps and prisons in the occupied territories. ICRC reports were presented to the Government of Israel but were not made public, although there have been press articles describing the findings and reporting Israeli comments on the reports. ^{2/} Both in its annual reports and in special reports, Amnesty International (AI) has presented its findings on allegations of maltreatment of prisoners held by the Israeli authorities. ^{3/} Israel has cooperated with AI representatives but has not accepted AI reports or recommendations. The Swiss League for Human

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^{1/} The most recent report of the Special Committee is A/32/284 of 27 October 1977.

^{2/} For example, see the Christian Science Monitor, 12 February 1968, p. 2.

^{3/} Report on the Treatment of Certain Prisoners Under Interrogation in Israel, April 1970.

Rights published a report on 30 September 1977, based on an Israeli approved visit to the West Bank,^{1/} which discussed charges of torture and mistreatment. A 10-member delegation from the National Lawyers Guild (U.S.) issued a report in August 1977 on their findings of allegations of violations of human rights in the occupied territories.^{2/}

The Palestine Research Center has published reports and documents relating to allegations of violations of human rights in the occupied territories.^{3/} The Israeli League for Human and Civil Rights has published reports and documents and appeared at various public forums relating to treatment of people in the occupied territories.^{4/} Of the numerous newspaper articles on the occupied territories, perhaps the most famous, or infamous, was the series in the Sunday Times (London, 19 June, 3 July, and 11 July, 1977) which presented case studies of human rights violations as well as an Israeli rebuttal.

The United States Department of State included sections on the Israeli occupied territories in its two Human Rights Reports (March 1977 and February 1978). The Subcommittee on International Organiza-

^{1/} Ligue Suisse des Droits de L'Homme. Violations des Droits de L'Homme en Cisjordanie. Geneve, 30 September 1977, 24 p.

^{2/} New York Times, 2 August 1977, p. 10.

^{3/} See, for example: Amad, Adnan, ed. Documents and Reports on Israeli Violations of Human and Civil Rights. Beirut, Palestine Research Center, September 1975. 144 p.

^{4/} See, for example, the testimony of Dr. Israel Shahak, Chairman of the Israeli League before the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs, 4 April 1974.

tions and Movements of the House Committee on Foreign Affairs and the Subcommittee on Immigration and Nationalization of the Senate Judiciary Committee have held hearings on the human rights status of people in the occupied territories.^{1/}

Background. As a result of its victory in the June 1967 war, Israel occupied some 450 square miles of Syria (the Golan Heights), about 2,300 square miles of Jordan (the West Bank and east Jerusalem), 24,000 square miles of Egypt (the Sinai Peninsula), and 140 square miles of the Gaza Strip, a "no-man's-land administered by Egypt but not under Egyptian sovereignty. Over 1,000,000 Arabs live in these "administered territories," as they were officially and popularly called in Israel: approximately 660,000 in the West Bank and east Jerusalem, 350,000 in the Gaza Strip, 30,000 in the Sinai, and 6,000 in the Golan Heights. The occupied territories are administered by the Israeli army, except east Jerusalem which was "integrated"

^{1/} U.S. Congress. House of Representatives. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements. Problems of Protecting Civilians Under International Law in the Middle East Conflict. Hearing. 93rd Congress, 2nd session. Washington, U.S. Gov't. Print. Off., 4 April 1974. U.S. Congress. Senate. Committee on Judiciary. Colonization of the West Bank Territories by Israel. A report by Senator James Abourezk. Committee print. Washington, U.S. Gov't Print. Off., December 1977, 17 p. U.S. Congress. Senate. Committee on the Judiciary, Subcommittee on International Law and Naturalization. The colonization of the West Bank Territories by Israel. Hearings. 95th Congress, 1st session. Wash., U.S. Gov't. Print. Off. October 17 and 18, 1977. 184 p.

(annexed) to the State of Israel. Sixty thousand east Jerusalem residents became citizens of the city but not the State of Israel.

Israel's otherwise vague intentions toward the future of the occupied territories were clarified somewhat in June 1977 when Prime Minister Manachem Begin used the phrase "liberated" to describe the West Bank and Gaza. In August 1977, the Government proposed that Israeli services be extended to the residents of the "liberated" territories.^{1/} The semantic change from "administered" to "liberated" and the extension of the services implied that Israel intended to keep the occupied territories. The Israeli Government also increased the number of active settlements in the occupied territories and made statements that indicated the whole region would be open to Israeli settlement. While the military continues to administer the territories, the new Government services have shifted some of the military functions to civilian branches of the Israeli Government.

Since the beginning of the Israeli occupation in June 1967 there have been allegations that Israel violated the 1949 Geneva Conventions and the U.N. Universal Declaration of Human Rights by establishing civilian settlements in the occupied territories, annexing territory, expropriating property, destroying personal property, exiling residents of the territories, holding prisoners

^{1/} New York Times, 15 August 1977, p. 1, 5.

incommunicado, arresting and detaining people without formal charges, trials, or legal representation, providing inadequate food, shelter, and medical attention for prisoners, and torturing detainees.

Conditions in the Occupied Territories

Integrity of the Person: While there have been numerous reports of murder and assassination, the great majority of the cases involve Arabs killing Arabs ^{1/} and only a few cases of Israelis killing Arabs. According to one unsubstantiated report, 23 Arabs were killed by Israeli security forces and buried in a mass grave in 1967. ^{2/} In another case, a dozen Israeli soldiers stood trial for beating to death an Arab suspected of involvement in an anti-Israeli demonstration in the West Bank. ^{3/} Such incidents involving official personnel appear to be isolated cases of individual action rather than Government policy. ^{4/}

Consistently and persistently, Israel denies that any form of torture was or is used on Arabs detained by the authorities. The

^{1/} New York Times, 2 February 1971.

^{2/} Sunday Times (London), 19 November 1967.

^{3/} Chicago Tribune, 3 August 1977; Washington Post, 30 July 1977.

^{4/} It has been reported in the press that Israeli intelligence agents have assassinated Palestinians outside the occupied territories. New York Times, 16 January 1977; the Telegraph, London, reprinted in Atlas World Press Review, October 1976.

U.N. Special Committee receives and reproduces evidence of torture from secondary sources, such as the Swiss League or the Sunday Times, but also conducts its own interview and investigations of torture allegations.

In its 1975 report, for example, the Special Committee reported on three interviews with residents of the occupied territories who claimed to have been tortured by the Israeli authorities. A doctor's examination of one woman interviewee, conducted one month after her release from an Israeli prison, failed to produce medical evidence of tortures purported to have taken place during her six years imprisonment.^{1/}

The 1977 report of the Special Committee, however, stated that "a strong prima facie case has been established that detainees in occupied territories are subjected to treatment which cannot be described as other than torture."^{2/}

The Swiss League went beyond the U.N. Special Committee and called the Israeli torture "a systematic practice," which suggested that torture was condoned by the Israeli authorities and not a matter of isolated instances or individuals acting outside Government policy.^{3/}

The Swiss League report named locations where torture allegedly

^{1/} Report of the Special Committee, A/10272, 27 October 1975, p. 28.

^{2/} Report of the Special Committee, A/32/284, 27 October 1977, p. 40.

^{3/} The phrase used was "la pratique systematique." Report of the Swiss League, op. cit., p. 17.

was conducted and listed 16 different torture methods used by the Israelis, such as burning with cigarette butts, applying electric shocks, depriving individuals of sleep, beating, and subjecting individuals to prolonged tear gasing.^{1/} In its 1970 report, Amnesty International cited its own interviews, medical records, photographs, and testimony of witnesses as the basis for "prima facie evidence of maltreatment" of detainees by the Israeli authorities.^{2/} AI asked the Government of Israel to establish a Commission of Inquiry to investigate the allegations, but according to the AI annual report for 1977, no inquiry had been made.^{3/}

In its report of 19 June 1977, the Insight Team of the Sunday Times (London) concluded that the incidence of torture allegations and the evidence compiled by the Times led them to believe that:

"Torture is organized so methodically, that it cannot be dismissed as a handful of 'rogue cops' exceeding orders. It is systematic. It appears to be sanctioned at some level as deliberate policy."^{4/}

The Times Team went on to name the locations where torture allegedly took place, types of torture techniques used, the Israeli Government institutions involved, cited several case studies, and listed the

^{1/} Ibid., p. 18-19.

^{2/} Amnesty International Report, 1970, op. cit., p. 4-5.

^{3/} Amnesty International Annual Report, 1977, op. cit., p. 304.

^{4/} Insight Team. Israel and torture. Sunday Times (London), 19 June 1977. p. 17.

names of 22 of the 44 Palestinian Arabs interviewed for the article. The Times printed an Israeli Government response to the June 19 article in its issue of 3 July 1977, page 14, in which Israel denied the charges of torture and pointed out discrepancies in the original Times story. In its issue of 10 July 1977, the Times refuted the Israeli Government's rebuttal. Other journalists have pursued the torture question. One such article appeared in the New York Times of 8 July 1977, page A15, in which a Reuters correspondent reported that his interviews in an Israeli prison in Gaza revealed that none of the prisoners, all but one of whom were admitted guerrillas, had been "tortured" although they said they had been beaten.

In its report to the Congress on human rights practices, the Department of State said the following:

"We know of no evidence to support allegations that Israel follows a consistent practice or policy of using torture during interrogations. However, there are documented reports of the use of extreme physical and psychological pressures during interrogation, and instances of brutality by individual interrogators cannot be ruled out." 1/

Israel claims that the British Mandate Defense (Emergency) Regulations of 1945 remain applicable in the West Bank, Gaza, and east Jerusalem, as these areas had been part of the Mandate. In Sinai and

1/ U.S. Congress. House. Committee on International Relations and Senate. Committee on Foreign Relations. Country Reports on Human Rights Practices. By the Department of State. 95th Congress, 2nd session. Washington, U.S. Govt., Print. Off., 3 February 1978. p. 366.

Golan, security regulations issued by military commanders apply, as well as other Israeli laws, such as the Criminal Code (Offenses Abroad) Amendment of 1972 which gives Israel the authority to institute criminal proceedings against persons who have harmed the interests of the State of Israel regardless of where or when the crime took place (extra-territoriality and retroactivity). Under these and other laws and regulations, Israel claims the right to detain without trial or charge, conduct military trials in camera, expel or exile undesirables, and apply other punishments, such as the destruction of homes or personal property. Israel justifies these practices because of the guerrilla war being waged against it in Israel, in the occupied territories, and against Israeli facilities overseas. Many of the attacks against Israelis and Israeli facilities are terrorist in nature, such as the random bombing of public buildings or the seizure of civilian hostages. The use of "administrative detention," is a means, according to the Israelis, of keeping known or suspected guerrillas or guerrilla sympathizers from engaging in or assisting terrorist activities.

The U.N. Special Committee, Amnesty International, the Sunday Times, the Swiss League, the National Lawyers Guild, witnesses before the International Organization Subcommittee and the Immigration Subcommittee, and the Department of State all reported instances where

Israel had used arbitrary arrest, detention without charges or trial, exile, or destruction of property, and suggested that these practices were violations of the Geneva Conventions of 1949 or the U.N. Universal Declaration of Human Rights. For example, the State Department, in speaking about "administrative detention," said "under the Fourth Geneva Convention, this practice is not permissible."^{1/} Times stated that Israel had demolished 16,000 Arab homes and deported 1,100 Arabs from the occupied territories, actions which the Swiss League called "flagrant" violations of the U.N. Universal Declaration of Human Rights.

Basic Human Needs

The Israelis maintain that, in general, Israeli occupation has enhanced the welfare of the territorial residents, and raised the standard of living. The Israelis state that community services, such as water, electricity, waste disposal and the like, were improved, health and medical care were expanded, and new crops and industries introduced. According to Israeli sources, both per capita income and per capita consumption doubled. Furthermore, Arabs in the occupied territories had access to Israeli goods, services, and markets which were better by comparison than those available under the Arab regimes.^{2/}

^{1/} Country Reports on Human Rights Practices, 1978, op. cit., p. 367.

^{2/} Israel. Ministry of Foreign Affairs. Information Division. The Administered Territories: Aspects of Israeli Policy. Jerusalem, October 1972. 31 p.

But from the perspective of the Palestinians, the occupation has created economic problems for the Arabs. They agree, for example, that Israeli banks charge higher interest rates for loans than did the Jordanian banks they replaced. In addition, they continue, Israeli taxes are much higher than taxes under the Arabs, and the Israelis deduct up to 40% of the Arabs' wages for health, insurance, unemployment, and other social benefits for which the Arabs are not eligible.^{1/} While wages are much higher than under the Arab regimes, the Palestinians argue, Arab workers are left with a smaller proportion of their wages after deductions to spend on goods and services that cost more. So, the argument continues, to survive, many Arabs are forced to abandon farms, jobs, and small businesses in the occupied territories to seek work at higher wages in Israel. The shift of these workers (about 70,000 per day commute to Israel from farms and small businesses in the occupied territories to jobs in Israel) had made the West Bank and Gaza less independent economically and more dependent upon the Israeli economy. This dependency and the nature of the Israeli jobs -- menial tasks and day laborers in agriculture and construction -- and the steady encroachment of Israeli settlements in the occupied territories, increases Arab bitterness toward the Israelis, according to the Palestinians.^{2/}

^{1/} Dallas Morning News, 9 October 1977. Middle East Research and Information Project Israeli Economic Policy in the Occupied Territories. MERIP Report No. 24. Cambridge, Mass., MERIP, January 1974, p. 11.

^{2/} New York Times, 1 November 1977; London Times, 4 November 1977; Los Angeles Times, 26 September 1977.

Political Situation

Israeli occupation has done little to hinder the normal free flow of information; radio and television broadcasts from Arab countries continue to reach the West Bank and Gaza, newspapers circulate freely in the occupied territories, and there is a traffic flow across the Jordan River and the Lebanese border which supports a word-of-mouth "grapevine." For security reasons, the Israelis restrict the flow of some information, such as information which they believe could contribute to the guerrilla and terrorist attacks against them and information which they believe could incite riots or other disruptive demonstrations. For example, Israeli authorities censored the east Jerusalem Arabic press in March 1977 to remove any pictures or stories dealing with the Ramallah demonstrations of 9 March 1977, although pictures and stories on the riots appeared in the Hebrew press accessible to the Arabs.^{1/} In another example of restrictions on free speech, theatrical plays and literary magazines are censored by Israeli authorities who excise references to political and cultural identity of the Palestinian Arab people.^{2/} The State Department report on human rights stated that "freedom of expression and freedom of assembly are restricted" in the occupied territories, but implied that the action appeared justified for security reasons.^{3/}

^{1/} International Herald Tribune, 23 March 1977; New York Times, 25 March 1977.

^{2/} Witness testimony before the Senate Judiciary Committee, 18 October 1977, p. 74.

^{3/} Department of State. Country Reports on Human Rights Practices, 1978, p. 369.

Generally, Arab movement within the occupied territories and to Israel or other countries is restricted. Some movement across borders is allowed, such as the "open bridges" policy which allows trade between the West Bank and Jordan, the visits of family members working in other Arab countries, and schooling at Arab universities for students from the occupied territories. Towns and villages frequently are placed under curfews which restrict the people to their homes. Such curfews usually follow incidents, riots, or demonstrations. Identity checks are common (all occupied territory residents carry identity cards, as do all Israelis) and roadblocks along roads and highways appear frequently. Arabs are not allowed to move to Israel or to "Jewish" areas, such as around Jerusalem, and there is no immigration to either Israel or the occupied territories from outside Palestine. Emigration, on the other hand, is encouraged. According to reports, the Israelis use threats, force, and enticements to encourage the occupied territory residents to emigrate. After a terrorist incident in Gaza, the Israelis dynamited nearby houses in reprisal. The inhabitants were then required to sign statements that they were emigrating voluntarily, loaded on buses, and taken to the Jordan River.^{1/} In the West Bank village of Deir Abu Mashal, Israeli soldiers and settlers appeared each night, firing weapons into the air and

^{1/} Christian Science Monitor, 12 February 1968.

vandalizing property in what appeared to be an attempt to intimidate the Arab residents into leaving.^{1/}

Israel has conducted two free elections for municipal officials on the West Bank, 1972 and 1976. The prohibition against assembly was lifted to allow campaigning prior to the elections. In the 1976 election, several candidates openly affiliated themselves with PLO positions or doctrines and most of them were elected to office. Political parties as such are banned.

United States Response to Israeli Practices in the Occupied Territories

The State Department and the White House have denounced the Israeli practice of establishing permanent settlements in the occupied territories, and there have been press reports of Presidential appeals to end mistreatment of Arab prisoners.^{2/} Aside from the two congressional hearings cited above, there has been very little congressional interest in Israeli practices in the occupied territories. There may be three possible reasons for the apparent lack of interest or the absence of criticism: first, the Israeli occupation may be less restrictive, less harsh, and less detrimental to the residents of

^{1/} Los Angeles Times, 22 May 1977.

^{2/} A report in the Tel Aviv daily Ma'ariv stated that President Carter raised the issue with Prime Minister Begin during their meeting in September 1977. According to the account, Prime Minister Begin said he knew nothing of the accusations of mistreatment, but that he would issue strict orders prohibiting torture of Arabs by Israeli authorities. Ma'ariv, 15 September 1977, p. 1, 2.

the occupied territories in comparison to other military occupations throughout history; second, U.S. Government officials may be hesitant to criticize the actions of a friendly country closely allied to the United States; and third, public officials may wish to avoid any possible adverse reaction which criticism of Israeli policies or practices might generate from among an American public generally sympathetic to Israel.

MOROCCO*

Introduction

Among countries at its level of development, Morocco does fairly well in civil and political liberties (3), moderately well in quality of life (2), and less well in integrity of the person (1), as detailed below. Since press coverage and research from within and without is ample and relatively open, there are few problems of access to information on conditions in Morocco except on information relating to political detainees.

Morocco has been a Muslim monarchy since the seventh century, and has been ruled by the 'Alawi dynasty since the mid-seventeenth century, including the period 1912-1956 under French and Spanish Protection. After regaining independence in 1956, the monarchy spent six years establishing constitutional institutions, including elected local and national assemblies. The 1962 constitution was suspended by King Hassan II in 1965; new constitutions instituted in 1970 and 1972 were interrupted by attempted military coups in 1971 and 1972. The 1972 constitution and elected parliamentary rule with parties' participation under the monarchy were restored in 1977. From the point of view of human rights, the independent era can be divided into three periods: 1956-1963 when civil liberties laws and articles were established and free elections held; 1963-1976 when cooperation between parties and monarchy broke down, political trials were held, and elections were rigged; and 1977- when cooperation between king and parties under the constitution has been restored, free elections have

been held, and the return to a more open system appears possible. Throughout these periods, however, press judiciary and labor unions have operated with some independence which, if not total, is at least unusual in the Third World.

Morocco annexed the northern part of Spanish Sahara in 1976 as a result of an agreement with Spain and Mauritania in November 1975; Morocco claims the area as part of the pre-colonial Sherifian Empire. Moroccan public and party opinion strongly supports Moroccan policy but a dissident nationalist group from the Sahara--the Popular Front for the Liberation of Saqiet al-Hamra and Rio del Oro or POLISARIO Front--has organized refugee camps and launched guerrilla attacks against the Moroccan administration from bases in Algeria.

Personal Integrity

Throughout 1977 the civil rights situation improved in Morocco as a result of agreements the preceding year between King and parties to restore an elected parliamentary system under the 1972 constitution. Torture and detention continued to be used, however, against radical anti-monarchists groups on the left fringe of the political system who were opposed to the country's Saharan policy. Although these "Frontist" groups are small, their members continue to be dealt with severely by the police and judiciary. The following statistics are drawn primarily from the reports of Amnesty International.

There have been no assassinations reported in 1977. There have been over 100 cases of torture and prison beatings reported in 1977, and a similar number of cases of torture and half a dozen deaths under detention

occurring in previous years which came to light during 1977. There has been no capital punishment since 1974. Three major political figures appeared to have been assassinated by the government in 1965, 1972 and 1975 (the 1972 victim was the likely murderer, as Interior Minister, of the 1965 victim).

Between 1974 and 1976, a number of cycles of arrests, detentions, trials, amnesties, and releases took place; within the context of the political scene, these served to establish the limits of the political system, on one hand, and demonstrate royal clemency during the period of rapprochement with the political parties. Political trials are usually open and publicly observed and reported. This ensures their effectiveness in discrediting political movements and intimidating followers. During 1977, the arrests and trials which continued were primarily aimed against the alleged organizers of a "Popular revolutionary front" or "Frontists," a collection of radical anti-monarchist groups and individuals.

Political arrests generally take place under Penal Code provisions against attacks on the person, institution or family of the King or on the form of security of the state. Following arrest, the political prisoner is held incommunicado and is interrogated in order to extract confessions and information; torture is routine during such interrogations, and in a number of cases (22 since 1973) resulted in the death of the prisoner or in his inability to stand trial. The legal maximum for

detention is 6 days and political trials are to be given priority, according to law; neither provision is respected. Detainees have been held up to three years without trial; amnestied or released prisoners are frequently rearrested on new or similar charges.

Over 100 of the Frontists tried and sentenced in January 1977 had been in detention since 1974. Over 200 people were in detention at the beginning of 1977; the exact number is unknown. Over 300 suspected Frontists were arrested in June 1977. These two figures overlap, since some of the first group were released and rearrested; probably up to 500 are now in detention. In addition, in the three provinces of former Spanish Sahara, where the government is harrassed by Polisario guerrillas based in Algeria, an estimated 200 Polisario sympathizers are detained (this figure can be compared with the figure of 18,000 voters--18,812 registered and 18,149 voting--out of a population of about 50,000 or about 70% of the voting age population in the June 1977 parliamentary elections).

If the scope of political trials has narrowed in 1977 to primarily Frontists, sentencing and judicial guarantees during proceedings have tightened. In the trials of January 1977, prisoners' rights to defend themselves, to give testimony, to report on torture and prison conditions, to be defended by lawyers, and even to be present during proceedings--rights present in all earlier trials--were severely restricted by the courts, and unusually heavy sentences were decreed, including additional terms for contempt of court. On the other hand, in most other matters the judiciary

has a reputation for being fair and impartial, hearings are public, and even in political trials sentences have on occasion been reversed on appeals (in cases involving matters of state security, however, the Appeal Court is the original court and the only appeal is to monarchical clemency).

Basic Human Needs

According to the Overseas Development Council data and classification system, Morocco is a Lower Middle Income Country, with a 1974 per capita GNP of \$430 (1975 - \$520) and a growth rate over the previous decade of 2.8%. GNP values are comparable to Ghana, Rhodesia, Ivory Coast, Congo, and Jordan, Jordan's and Ghana's growth rates are lower.

Life expectancy is 53 years; infant mortality is 13%; literacy is 21%. These figures are lower (less developed) than average for lower middle income countries, but per capita public education expenditures are higher than average (\$19 vice 10) and per capita military expenditures are lower (\$11 vice 17). The resulting Physical Quality of Life Index is 40, putting Morocco in the same category as Jordan (48) and Tunisia (44) among countries within the same per capita GNP range, and Algeria (42), Iran (38), and Libya (42) among richer countries.

Morocco had 55% of its primary school age population in school in 1970, placing it in the mean position among all African countries. It had 12% of its secondary school age population in school, placing it in the upper fifth of African countries. 1.2% of its college age population was in higher education, putting it in the upper sixth of all African countries. Education is free; primary education is compulsory; college students are provided with state scholarships.

Health and nutrition figures place Morocco in the company of its neighbors during the early 1970's. The calory intake per capita was about 2,500 slightly higher than Algeria and Tunisia. There were 7 doctors per 100,000 population, less than half the level of Algeria and Tunisia (about 16). There were 263 hospital beds per 100,000 population, about the same as Tunisia (250) and Algeria (277). In employment, Morocco had about 20% non-agricultural unemployment, compared with 40% in Algeria and 0 in Tunisia, and about 59% agricultural underemployment, compared with 69% in Algeria and 66% in Tunisia.

All of these figures are old (from 1970-1975), grossly approximate, and often certain only in their inaccuracy. Furthermore, they are meaningful only in comparison, not in absolute. Over the two decades since independence they show two facts more accurately in their individual values: 1) Except in GNP figures, Morocco is generally in the same category as its North African neighbors (Algeria, Tunisia, Libya, and Egypt) despite the differences in their resource bases (Algeria and Libya being oil producers) and as some other "social mobilization neighbors" such as Nicaragua, Iraq, Syria, Ecuador and Turkey; and 2) Among the three closest North African countries, Morocco is being slowly and slightly outdistanced by Algeria and Tunisia on various social mobilization indicators. Actual positions and "neighbors" depend on the particular indicator chosen.

Separate quality of life figures are not available for the Saharan provinces. The region is poor (except for its phosphates) and underdeveloped; the Spanish colonial regime provided few education or health

facilities. It is the Moroccan government's policy to improve conditions in the region, although the guerrilla attacks impede such efforts. The Polisario claim that Morocco is occupying the area militarily.

Civil Liberties.

Eight daily newspapers in French and/or Arabic express opinions ranging from those of the government to those of the Communist party (Party of Progress and Socialism). The foreign press is also available, although the Paris daily Le Monde was banned during 1977. Maghreb Press Agency has the monopoly of distribution for foreign news services. The book publishing industry in French is small and in Arabic only slightly less so. A sporadic censorship existed until mid-1977, when it was lifted as part of the reconciliation agreement with the parties. Previously, newspapers had been banned or single issues seized from time to time, and specific foreign publications have been forbidden. When it existed, censorship did not prevent the existence of one of the relatively pluralistic and outspoken presses in Africa.

The University Mohammed V (with branches in the major cities of the country) has administrative, curricular and budgetary autonomy since 1975 and a new independent rector was appointed in 1976. Although the "Frontists" have been active among students and the student union banned in 1973, an Istiqlali student union exists and the leftwing loyal opposition party (USFP) is openly active among faculty and students. There is no direct political control of curricula. A number of professors are USFP deputies in parliament.

There is no forced migration. Internal travel is free and emigration is permitted. Over 250,000 Moroccans work in European Common Market countries. There is a small number of self-exiled opponents of the regime in Europe and Algeria, although most Moroccans living in Algeria have been interned there during the current conflict between the two countries. The largest group of self-exiles are the indeterminate number (in the tens of thousands) of inhabitants of former Spanish Sahara who were evacuated by the Polisario Front to Algeria when Morocco and Mauritania took over the territory following the 1975 agreement with Spain.

Morocco has the largest Jewish population of any Muslim country. Although it dropped from 255,000 in 1952 to 34,000 twenty years later, and is probably between 25,000 and 30,000 in 1977, it still plays an important role in the Moroccan economy and enjoys tolerant conditions in Moroccan society. Emigration to France has been generally unimpeded, and from there many go on to Israel. About a third of Morocco is Berber-speaking. There are no reports of racial discrimination.

Morocco is rare among countries in the Middle East and African in that it has a competitive multiparty system, in which neither party membership nor party voting is proscribed. The only party which has been banned is the Communist Party, which after each banning reappears in a new form; its secretary general was elected to parliament in 1977. Although the elections under the first two constitutions were both boycotted and rigged on occasion, the 1976 local elections under the 1972 constitution were generally acknowledged to be completely free. In the

1977 national elections, voter participation was also free, but the results were negotiated in advance on the basis of the 1976 results by the palace and the parties (except for the left loyal opposition party, the Socialist Union of Popular Forces--USFP). All major parties are represented in the national assembly. Of the 6.5 million registered voters, 5.4 million voted slightly over 5 million valid ballots were counted. The figures for the local elections in 1976 were approximately the same. There is, therefore, some room both for participation and for dissent.

Similarly, Morocco is rare in its tolerance of several labor unions. The largest--the Moroccan Labor Union (UMT)--is associated with the USFP; it was the winner of most of the labor seats in parliament in 1977 (out of the third of the assembly membership indirectly elected from professional associations). The second largest--the General Union of Moroccan Workers (UGTM)--is associated with the largest and oldest party, the Istiqlal (Independent) Party. Moroccan workers in Europe, however, must join the official union abroad, the Amicale.

Unions have the right to organize and to strike; they also freely elect their own officials and are consulted on relevant policy measures. (Although comparative data are not available, Moroccan unions would rank relatively high in the Institute for Conflict and Policy Studies index of trade union freedom and human rights, 1977).

Government decision-making is primarily in the hands of the executive--the Palace and the Council of Ministers. Laws are voted by parliament, decrees are issued by the executive. The Council of Ministers is responsible to the King and the Assembly. The two largest parties--the Istiqlal and the Popular Movement--are associated in the 1977 government along with the largest group of deputies, the Independents (non-party "King's men"). The King is undeniably the most important decision-maker, but even through the time of the suspended constitution the parties maintained their contribution to government policy through consultation with the Palace and remained strong enough to force the King into the current reconciliation.

In regard to the three Saharan provinces, as noted, the population participated in the election of local councils and national assembly representatives in 1976 and 1977. Deputies elected are 3 independents, 2 Istiqlalis, 1 Popular Movement member, and 1 labor representative from the phosphate mines. Participation was slightly higher than the national average. A large number of refugees are said to remain in miserable conditions in camps in Algeria; although some of the Polisario members have returned to Morocco, there is no clear indication whether the Polisario Front is increasing or decreasing its appeal.

American Policy Response

The United States provides security assistance to Morocco. There have been no Congressional actions; and no executive branch statements or actions relating to human rights in Morocco are listed in the 1977 Department of State Bulletin.

The United States government does not give de jure recognition to the decolonization agreement between Morocco, Mauritania and Spain over the former Spanish Sahara. The Subcommittee on International Relations Committee held a hearing on the question of self-determination in the Western Sahara on October 12, 1977.

HUMAN RIGHTS CONDITIONS IN NAMIBIA 1977*

I. Pre-1977 background

South Africa has ruled Namibia (South West Africa) since December 1920 when it was granted a mandate to govern the territory by the League of Nations. Apartheid has, therefore, become the official racial policy, and the African population has been subjected to all the restrictions that are part of that policy as it is enforced in South Africa itself.

In 1966 the United Nations ended South Africa's mandate to rule Namibia and established the United Nations Council for Namibia. Although the Council was given legal authority to administer the territory, South Africa has continued de facto control.

In 1968 South Africa passed legislation to implement a plan for partition of Namibia's territory as recommended by the 1964 report of the Odendaal Commission. Since that time three of the proposed ten homelands have been granted limited self-government. These three governments (Ovamboland (1973), Kavangoland (1973), and Capriviland (1976) have elected officials as well as those appointed by the South African government and may adopt legislation of a local nature, although this legislation may be repealed or amended by the South African government. In 1976 South Africa continued its fragmentation of the territory by taking steps to establish additional homelands--Bushmanland, Namaland, Basterland, and Tswanaland.^{1/}

* Prepared by Brenda Branaman, Analyst in Middle Eastern and African Affairs.

^{1/} Struggle and repression in Namibia. Objective: Justice, v. 9, no. 1, spring 1977: 12-13.

In 1977 negotiations were held to establish "representative authorities" for the Hereros and Damaras, leaving only the Kaokoveld without a tribal government.^{1/} This extension of the Bantustan or homelands policy to Namibia has been criticized as illegal and many observers believe that the policy is detrimental to self-determination by the Namibian people.

The South African government justifies the use of the homelands policy in the territory in the same way that it justifies the homelands policy within South Africa itself. The emphasis is on the differences between the black ethnic groups as well as differences between blacks and whites and coloureds (persons of mixed race). The central theme is that under the homelands policy each ethnic group will have the right to self-determination according to their own distinct political and social institutions, although machinery for inter-state cooperation on certain functions is envisioned. South Africa refuses to accept a unitary state based on the "one-man, one-vote" principle because it believes this would result in the domination of the government by the most populous group. In the case of Namibia this would be the Ovambos represented by SWAPO (South West Peoples Organization).^{2/}

The International Court of Justice (ICJ) in June 1971 issued an advisory opinion that South Africa's occupation of Namibia's territory was illegal, that South Africa should therefore withdraw from the

^{1/} Murray, Roger. No easy path to independence. Africa Report, May-June 1977: 37.

^{2/} SWAPO is the largest and most active nationalist group in Namibia, consisting primarily of Ovambos and claiming the support of 60 to 70 percent of the Namibian people in 1977. The current president is Sam Nujoma. SWAPO has advocated immediate independence and has carried out guerrilla activities since 1966. It is recognized by both the OAU and the United Nations as the "sole authentic representative" of the Namibian people.

territory, and that all U.N. members had the legal obligation to recognize the invalidity of South African presence there and to refrain from lending any assistance that would aid its illegal administration. South African Prime Minister Vorster rejected the court's opinion.

In January 1976 a U.N. Security Council resolution (Resolution 385) demanded that elections be held in Namibia under United Nations supervision and called on South Africa to take specific steps toward granting Namibian independence. A constitutional conference was convened in September 1975 by the South African government and continued through 1976 and 1977. Representation at the conference was based on ethnic divisions and political organizations were excluded. SWAPO viewed the conference as having been orchestrated to disguise the continued fragmentation of Namibia into homelands and believed that it would produce only nominal independence. SWAPO demanded that negotiations be held exclusively between the South African government and SWAPO at Geneva under U.N. sponsorship.

During 1976 South African activities against the growing struggle for national liberation ^{1/} included a troop buildup in the territory and expansion of military bases along the northern border with Angola; extension of the state of emergency (which had existed in Ovamboland since 1972) to cover 55.5 percent of the non-white population by bringing the northern third of the territory under martial law; depopulation and clearance of vegetation of a one-kilometre-wide zone along the Anglo-Namibia border, a process that involved the forced removal

^{1/} Op. cit., Struggle and repression in Namibia, p. 9.

of about 50,000 Africans; continued detention of dissenters under the Terrorism Act and other laws; and continued reports of widespread use of torture.

U.S. policy toward the Namibian human rights situation has been manifested in both political and economic areas. On the political level the United States voted in 1966 to terminate South Africa's mandate over Namibia, supported the 1971 ICJ decision that South African occupation of the territory is illegal, and voted in favor of the 1976 U.N. Security Council Resolution 385. On the economic level the United States since May 1970 has officially discouraged U.S. investment in Namibia and has refused Export-Import Bank loans and U.S. government guarantees to American corporations doing business there. Since 1974 the United States has urged American firms with business in the territory to conform their employment practices with the principles set forth in the U.N. Universal Declaration on Human Rights.

There has been some criticism, however, that in the past U.S. policy relating to Namibian independence has not been forceful enough. Critics have noted that: (1) The United States has never supported the U.N. Council for Namibia and has made difficult the Council's investigations of labor practices in the territory; (2) the United States did not support Decree No. 1 of the Council for Namibia, which sought to protect the natural resources of the territory from foreign exploitation; (3) suggestions that the United States refuse tax credits to U.S. corporations doing business in

Namibia as a means to force withdrawal of American investment have ever received serious attention;^{1/} and (4) the memo circulated by the State Department to U.S. corporations in Namibia concerning fair labor practices did not require a reply and the suggestions in it are not enforceable.

II. Integrity of the person

South Africa was charged with widespread use of torture in Namibia by an Amnesty International Briefing Paper released in April 1977 and by a Joint Statement of Namibian church leaders (Lutheran, Roman Catholic and Anglican churches in Namibia) in May 1977. In April 1977 the South African police denied the allegations by Amnesty International that torture was used in interrogating Namibian detainees.^{2/} In December 1977 documentation of torture techniques used by South African security police on nine Namibians was entered as evidence before a South African court in Windhoek, Namibia. The sworn statements of the nine persons were used as part of a request for an injunction which would restrain police from mistreating a man in police custody during December 1977.^{3/}

The Amnesty International Report 1977, in addition to charges of torture, also alleged that Namibians are systematically detained without trial. The report also stated that it is impossible to provide accurate estimates of the total number of political detainees held. Amnesty

^{1/} The tax credit idea was first suggested in Representative Charles C. Diggs' Action Manifesto in 1972. In 1973 Senator Walter Mondale proposed the idea as an amendment to the Trade Reform Act of 1973, but the amendment was not adopted.

^{2/} New York Times, April 5, 1977: 5.

^{3/} Washington Post, December 19, 1977: A1, A7.

International's figure for the number of convicted political prisoners was a total of 44 at the end of 1976. All but two of these are imprisoned in South African rather than Namibian prisons. Additional charges relating to the detainees were that: (1) there is no remission of sentences for political prisoners, (2) ill health persists among prisoners because of poor diet and the cold climate (male prisoners are sent to Robben Island and women are sent to Kroonstad Prison), (3) severe restrictions are placed on outside communications such as family visits, receiving political news (no newspapers or radios allowed), and censorship of mail, and (4) prisons are located far away, making it difficult for relatives to visit. In April 1977 the South African government allowed 24 local and foreign reporters to tour Robben Island in an effort to counter charges of poor conditions there for political prisoners.^{1/}

III. Basic Human needs*

In Namibia 88 percent of the population is African and 12 percent is white, but 40 percent of the land is allocated to Africans while 60 percent is allocated to the whites.^{2/} Although an abundance of natural resources exists in Namibia, including diamonds, copper and uranium, most of the profit from the extraction of these resources goes to the South African government and to multinational corporations. The African population benefits little from these resources.

^{1/} Washington Post, December 27, 1977: A15; New York Times, December 27, 1977: 3.

^{2/} 43 percent of the land is controlled by individual whites and 17 percent is directly controlled by the South African government, including the diamond mining areas.

* The ODC Table of Economic and Social Indicators of Development does not include Namibia.

Most Africans depend on subsistence farming and low-paid manual work for their below poverty level existence. The homelands are overpopulated and the soil is therefore overworked. In some areas the water supply is inadequate. These poor conditions force young blacks into salaried jobs in the urban areas. Most of these jobs, however, are unskilled or semi-skilled for which blacks receive lower pay than whites in related though more skilled jobs.^{1/}

Education for blacks is inferior to white education. Although education is free, for blacks it is not compulsory. The government spends five to ten times more per capita on the education of white children than on the education of black children. Black schools are, therefore, inadequately staffed and equipped. In addition, in black schools classes are taught in the mother tongue of the homeland though standard exams are in Afrikaans or English, and emphasis is on arts and crafts and manual skills.^{2/}

Health services for blacks are poor. The infant mortality rate is 10 to 20 times higher for blacks than for whites. The generally high death rate among blacks is attributed to diseases resulting from malnutrition.

^{1/} Landis, Elizabeth S. Human Rights in Namibia. Dakar, Senegal, prepared for the International Conference on Namibia and Human Rights at Dakar, January 5-8, 1976, International Institute of Human Rights. p. 43, 46.

^{2/} Ibid., p. 48-49; Kaplan, Irving and others. Area handbook for the Republic of South Africa. Washington, U.S. Govt. Print. Off., 1971. p. 774-775.

^{3/} Ibid., Landis, p. 46-47.

IV. Civil and political liberties

A. Self-determination

The Windhoek constitutional conference^{1/} convened by the South African government in 1975 officially ended February 18, 1977, when the full conference approved a proposal for an interim government, designated the Turnhalle Plan. Self-government for the Namibian territory was to become effective, under an interim government, in July 1977 after approval of the Turnhalle Plan by the South African government. Full independence was set for 1979. The plan was approved by the South African government in March 1977 and in a May 1977 referendum by Namibian whites.

The proposal provided for a multi-tiered, ethnically-based transitional government with an unenforceable bill of rights. The bill of rights: (1) provided for freedom of expression and political organization but banned "Marxist-Leninist" organizations, and (2) prohibited discrimination "based on origin, sex, language, race, faith or political conviction," though ethnic divisions in the country were preserved and continued separation of whites, coloreds and Africans in the cities remained. The national government would control foreign affairs while the local homeland governments would control education, welfare, culture, civil law and land.

The Turnhalle Plan, thus accepted by South African and Namibian whites and the ethnic leaders of Namibian blacks, was rejected by SWAPO. SWAPO disapproved of the plan because of: (1) the ethnic or tribal basis of the plan; (2) refusal of South African government to release all Namibian

^{1/} Participants in the conference included representatives of the eleven ethnic groups in Namibia--1 white and 10 non-white.

political prisoners; and (3) refusal of South Africa to withdraw all its armed forces from the territory; (4) lack of SWAPO participation in negotiations with South Africa on the form of independent government; and (5) lack of a role for SWAPO should the Turnhalle proposal be implemented.

In April the five Western powers in the U.N. Security Council (United States, Britain, France, West Germany, and Canada) rejected the Turnhalle Plan as internationally unacceptable. They held consultations in May with the Windhoek Conference representatives and with South African Prime Minister Vorster in an attempt to arrange for elections under the direction of the United Nations and with the participation of SWAPO. Also in May the U.N. Conference on Namibia and Zimbabwe was held in Maputo, Mozambique and was attended by 87 UN member states, and several observers and non-governmental organizations. The conference called for a Security Council imposed arms embargo against Africa and declared Walvis Bay an integral part of Namibia. On May 18 President Carter threatened strong action by the United States against South Africa within the United Nations unless progress was made in the talks on Namibian independence. As an apparent result of these pressures Vorster officially announced on June 10 that South Africa would abandon the Turnhalle Plan and instead would appoint an administrator-general to rule the territory until a national assembly was elected in U.N.-supervised elections. In July South Africa appointed a judge, Justice Martinus Steyn, as Administrator-General who would govern by proclamation.

A series of talks was held from August through December in an attempt to reach an agreement on peaceful transition to independence for Namibia. Participants in the talks included the Western Security Council members, SWAPO, and South Africa. In December the main obstacle to agreement was the issue of South African military presence in the territory. Concessions had been made on both sides. SWAPO agreed to a cease-fire, accepted the presence of the South African Administrator-General, and agreed to U.N.-supervised elections for a constituent assembly which would draw up a constitution. South Africa amended some prison laws to enable the transfer of Namibian prisoners from Robben Island to jails in the territory, the Administrator-General relaxed the pass laws and racial inter-marriage law, and indicated readiness to negotiate the status of Walvis Bay.^{1/} It was reported that SWAPO's demand that all political prisoners be freed before elections was countered by a South African demand that SWAPO free its dissidents jailed in Tanzania and Zambia.^{2/} Despite numerous negotiations, no agreement was reached by the end of 1977.

^{1/} Op. cit., Murray, Roger, p. 24. On August 31, 1977 the South African government proclaimed that Walvis Bay would, as of September 1, be administered as part of South Africa's Cape Province rather than as part of Namibia.

^{2/} Reports were received by newspapers in London and Nairobi during April and May 1977 that SWAPO dissidents were being held in prison camps in Zambia and Tanzania. Andreas Shipanga, one of SWAPO's founders and the organization's Secretary of Information, was said to be among the SWAPO members detained on the orders of Sam Nujoma, current SWAPO President.

B. Freedom of expression and of the press

Freedom of the press is limited in Namibia although the laws give the outward appearance of freedom. Numerous restrictions exist relating to subjects which may be published, and self-censorship by newspapers and other publications is enforced under threat of financial and penal sanctions. Publications and entertainments such as records, movies, plays, etc. are censored and may be banned if they express "subversive" political or religious ideas.^{1/} Possession, as well as importation, publication, sale or dissemination, of banned publications is illegal.

All newspapers are published in English, Afrikaans or German. The majority of the population is African and a variety of traditional languages are both spoken and used for instruction in the schools. Therefore, since most Africans are not literate in the above three languages the newspapers are not a source of information nor do they offer a outlet for expression of opinion by the masses nor would they in the event the government restrictions mentioned above were lifted.

There is no Namibian radio or television although South African broadcasts can be received. As a result information outlets for expression of opinion which could offer alternatives to the newspapers are lacking.

^{1/} Op cit., Landis, Elizabeth S., p. 37.

V. Present U.S. policy

The Carter Administration views the South African occupation of Namibia as illegal, supports elections in Namibia under U.N. supervision, and is willing to help bring about negotiations for Namibian independence with the participation of all interested parties including SWAPO.^{1/} This policy was followed from April through December 1977 when the United States, as one of the U.N. Security Council members, participated in talks designed to bring about a peaceful transition to independence for Namibia. (See p. 162-163 of this paper for details.)

Congressional action relating to Namibia has primarily centered around the establishment of a Southern African Special Requirements Fund for which \$100 million was appropriated under the Foreign Assistance and Related Programs Appropriations Act, 1978 (P.L. 95-148). One of the functions of the Fund was to assist refugees from Namibia and Zimbabwe by providing them with education and job training in countries in southern Africa. Also the Fund provided for a comprehensive analysis of development needs of countries in southern Africa. It was envisioned that this analysis should include examination of the problems involved with the various

^{1/} Statement by Philip C. Habib, Under Secretary for Political Affairs, Department of State. In U.S. Congress. House. Committee on International Relations. Subcommittee on Africa. U.S. policy toward southern Africa. Hearings, 95th Congress, 1st Session, March 3, 1977. Washington, U.S. Govt. Print. Off., 1977. p. 5-6.

economic sectors in Zimbabwe and Namibia as the transition to majority rule is made. Needs would be determined in the areas of manpower training, agriculture, industry, transportation and social services. This information would be used to assist in constructing a development program that would guide Congress in determining what assistance the United States should provide to those countries.

PEOPLE'S REPUBLIC OF CHINA*

Introduction

The People's Republic of China (PRC) has followed policies which have improved the physical standard of living of the average citizen but have impaired individual liberties in China, according to most U.S. observers experienced in Chinese affairs. These observers hasten to add that a completely accurate assessment of the status of human rights in China is beyond the realm of possibility under present conditions. Thus, for example, they note that Peking does not allow human rights experts who are knowledgeable about Chinese affairs to study conditions in China. The Peking administration also does not publish facts and figures useful in measuring human rights conditions. Even statistics on such basic subjects as gross national product and population size have been unavailable for many years, with the result that current Western calculations of such indicators as average per capita income in the PRC have been based on estimates with a wide margin of error.

Information about human rights conditions in the PRC has come largely from limited data released by the government-controlled Chinese media and from reports of foreigners who have first-hand knowledge of Chinese affairs. Foreigners who reside in China are usually diplomats or journalists who enjoy only limited ability to travel around China and interact with Chinese people. The Peking government in recent years has allowed several thousand

* Prepared by Robert Sutter, Analyst in Asian Affairs, Foreign Affairs and National Defense Division.

other foreigners to make brief visits to certain parts of China, but these tours have been judged to be insufficient to provide an accurate measurement of conditions in the PRC as a whole. The utility of the visits has also been called into question because foreign visitors have derived conflicting assessments of the status of human rights in the PRC from their brief tours: Some have said that conditions in the PRC are fundamentally opposed to ideals of human rights and individual dignity, while others have lauded what they have viewed as major PRC advances in improving the lot of the Chinese masses.

Following its takeover of power on the mainland in 1949, the Peking government rapidly developed into a highly centralized one-party state dominated by Communist ideology. It has exerted wide-ranging control over political, economic, social, intellectual, and all other major areas of Chinese life. The administration has clearly subordinated concepts like individual rights to the view of the individual as part of an ideologically motivated and highly organized collective mass striving to achieve national goals established by the Chinese Communist Party (CCP). Peking judges that extensive government control and organization are needed if China is to advance as quickly as possible to a stage of ideal socialism -- a utopia in which the greatest fulfillment and happiness of the Chinese people will be guaranteed.

Peking has also justified its restrictive organizational measures on grounds of national interest. When the Communists took control, China was a poor, backward state lacking an effective administration and clearly in

need of rapid economic and social progress and reform in order to avoid repetition of the major human disasters caused by foreign military occupation, flood, famine, and pestilence which had been common in China during the previous 100 years. Peking has claimed that wide-ranging tight controls on individual freedom have been necessary in order to achieve rapid modernization and avoid further catastrophe.

Integrity of Person

Little is known concerning the rights of individuals in China to be free from government violation of the integrity of the person. Thus, the extent of assassination, torture, and imprisonment of political dissidents is not known with any degree of certainty. Amnesty International has devoted considerable attention to these issues, but has acknowledged its inability to obtain information it needs regarding individual cases in the PRC. ^{1/}

According to official PRC pronouncements, assassinations and assassination plots have been features of recent high-level leadership conflict in the PRC. Some deposed leaders have been accused of plotting to assassinate such important Chinese officials as Mao Tse-tung, and of harassing other officials to the point of bringing on heart failure and death. Peking media have also revealed the disappearance of Chinese officials for prolonged periods of time. Many officials have been absent from their posts for years,

^{1/} The Amnesty International Report, 1975-1976, p. 123.

without any formal charge being leveled against them. Those detained have sometimes been reported to have spent time at CCP detention centers undergoing criticism designed to make their policies acceptable to the authorities in control in Peking.

The extent of the use of torture in the PRC is not known. It is assumed by many observers that physical torture is not used, but other forms of pressure have been noted. Earlier this year, for example, Western newsmen interviewed Yuan Hsueh-fen, a Shanghai actress who had been jailed for several years on orders from authorities then in power in Peking for alleged political dissidence. During her three years of imprisonment, Yuan was reportedly forced to undergo about 500 separate interrogations at various times of day and night. She was put in isolation and under severe psychological pressure without formal indictment or chance of appeal. ^{1/}

The arbitrary arrest and detention seen in Yuan's case has been a feature of Chinese Communist treatment of others regarded as political dissidents. Even high-level officials have been subject to arrest and detention because their political views have come to be viewed with disfavor by controlling authorities in Peking. Most notably, Vice Premier Teng Hsiao-ping -- currently third ranking leader in the PRC -- has been subjected to such arrest and detention twice in the past ten years.

^{1/} Washington Post, May 5, 1977.

Once a person has been arrested and detained, his case is usually investigated and tried by party and/or public security officials who are sometimes lax in following due process of law. Thus, for example, some detainees are exposed to mass trials which are held not so much for the administration of justice as for the political education of the people -- to indoctrinate, agitate and rally them behind party policies and to identify alleged enemies of the revolution. Although they have the appearance of spontaneity, mass trials are usually well prepared, organized, and contrived to end in predetermined convictions. The idea of "presumption of innocence" does not enter into the proceedings. In theory, the accused may speak in his own defense or he may be defended by a member of his family, a co-worker, or an attorney (there is no profession of full-time lawyer in the PRC). Actual defense is rare, however. The standard punishment is some form of reform through labor, with executions used only in the most severe cases.

Basic Human Needs

One of the major accomplishments of the Peking administration over the past thirty years has been the establishment of a political, economic, and social order in China which has provided for the basic material needs of most of the Chinese people. As Peking gained control over the economic and social infrastructure in China, it developed a broad system of social security for the Chinese masses. For workers this has involved social insurance and subsidized food, clothing, housing, transportation, cultural and recreational activities, and education. Peasants are similarly provided for.

The Overseas Development Council's Agenda '77 ^{1/} estimates that the physical quality of life in the PRC is relatively high (59) for a country with such a low per capita GNP (estimated at \$300 a year). The report equates the physical quality of life in the PRC with that of Malaysia, although it notes that Malaysia's annual per capita GNP is more than double the PRC's. Life expectancy in the PRC is said to be 61, and in Malaysia, 59. The literacy rate in the PRC is estimated at 25 percent -- a figure which is disputed by other authorities who claim that the literacy rate is about double that figure. ^{2/}

The Peking administration has prided itself on its ability to use limited Chinese resources to meet the basic material needs of the Chinese people. A notable example has been the Chinese praise in recent years for "barefoot doctors" -- young paramedics who tour regions of the Chinese countryside which have traditionally been without trained medical assistance. Peking recognizes that it does not have the capability to train enough fully qualified doctors to meet even a small fraction of the medical needs of the broad masses in China. It has used the barefoot doctors as an interim measure, employing them to spread knowledge of hygiene and to dispense medicines which will help reduce endemic health problems in the Chinese countryside.

^{1/} Sewell, John W. The United States and World Development: Agenda 1977, pp. 160-165.

^{2/} Worldmark Encyclopedia of the Nations, v. 4, 1976 edition, p. 65.

Peking has also shown concern to protect and rehabilitate areas subject to natural disasters. Chinese water control projects have reduced damage caused by frequent flooding in the Yellow River basin. Parts of China subjected to drought or crop failure have usually been assured of prompt food aid from the Peking government. And observers who visited northeastern China after the devastating earthquake there in 1976 were reportedly impressed with the prompt and efficient government relief efforts.

The Marriage Law of 1950 and subsequent PRC administrative actions have gone far toward ending the traditional oppression of women in China. Marriages arranged by families have been outlawed, and both partners in the marriage have been given equal rights to divorce and inheritance. Peking provides working women with adequate maternity leave, and there are nurseries in the larger towns and cities to care for the young infants when the mother returns to work. The government promotes pre- and post-natal care, and has made a considerable effort to spread birth control measures.

Educational opportunities have spread rapidly under PRC rule. Primary schooling has become nearly universal. At higher levels, tuition has traditionally been free, and students in need of food, clothing, and textbooks receive state grants in aid. Primary and general secondary school students pay a nominal tuition fee. Since the Cultural Revolution of the 1960s, entry into upper level educational institutions has been dependent more on a person's political reliability than on his academic excellence.

This policy is now gradually being changed, as Peking is reinstituting policies designed to raise the academic standards of PRC universities by admitting only students who are both politically and academically qualified.

Civil and Political Rights

The Peking administration has compiled a poor record concerning the promotion of individual political and civil liberties. Members of the Communist party hold the dominant positions in governmental organizations and in most economic, social, and cultural bodies. Although all adult citizens have the right to vote and to stand for office, only candidates to governing organizations at the local level are directly elected by the people; and the choice at this level is said to be limited because of preliminary screening of candidates conducted by the CCP. The masses are expected to participate in the activities of the local organizations, including numerous party front organizations. Those who refuse to join in are sometimes subjected to various forms of social and economic pressure.

Freedom of expression in the PRC is limited. The CCP controls the information media. Publications and broadcast media serve primarily as a medium through which the government communicates to the public its policies and decisions. Regarding freedom of speech, even though Mao reportedly stressed the need for people to be assertive, there are many issues that are never debated, including love of country and support of socialism.

Peking has also developed restrictions concerning intellectual freedom, personal mobility, and occupational choice. The administration's policies toward intellectuals have fluctuated periodically between repression and relaxation. The same policy fluctuations have been characteristic of the administration's education policies.

In the economic area, most of the means of production were shifted from private to state hands as the PRC moved from a "democratic" to a "socialist" stage. Land distributed initially under land reform was gradually collectivized. All state assets are now governed by the CCP, with the exception of small plots, small numbers of livestock, and sideline occupations which are permitted for private use. Labor assignment by higher authority has been instituted as the approved means of deploying labor; moving about to seek a job is severely restricted. Emigration abroad and leisure travel within the PRC are also under firm government supervision.

A major example of the government imposed labor assignment system prevalent in the PRC is the so-called rustification or down-to-the countryside movement begun in 1968. It involves the large scale transfer of middle school graduates to the countryside in order to alleviate urban unemployment problems, change the values and attitudes of young people regarding manual labor, and aid in the development of rural areas. It is estimated that 12 million youths have been "sent down" since 1968.

Freedom House, a non-partisan American organization which measures civil and political liberties abroad, has consistently ranked the PRC as among the worst violators of these kinds of human rights. The organization's survey for 1977 noted the major leadership changes in China since 1976 and predicted that resulting leadership instability in Peking did not augur well for the improvement of civil and political freedom in the country in the near future.^{1/}

U.S. Policy Response

Although U.S. leaders have shown growing interest in recent years in the promotion of international human rights, the United States has done little to advance human rights in the PRC. Apart from private diplomatic representations with PRC leaders, the Carter administration has avoided explicit critiques of PRC shortcomings; and in one case the administration has allegedly taken steps to keep the issue of human rights from complicating U.S.-PRC relations. Thus, the New York Times charged on 23 October 1977 that the State Department was resisting a proposed visit by the exiled Tibetan Dalai Lama to the United States for fear that such a visit would prompt questions about U.S. support for self-determination and human rights in Tibet, which would meet with strong disfavor in Peking.

^{1/} Freedom at Issue, January-February 1977, p. 23.

Some recent congressionally initiated legislation designed to promote the general improvement of individual rights and freedom abroad has had an indirect impact on U.S.-PRC relations. Thus, section 402 of the Trade Act of 1974 prohibits most favored nation (MFN) treatment to trade in products from non-market countries which restrict their citizens right to emigrate. This provision is widely interpreted as applying to the PRC, and it complicates Peking's efforts to obtain MFN status for its growing exports to the United States. The provision also serves to block the U.S. Export-Import Bank from granting credits to the PRC, although the PRC thus far is not known to have expressed an interest in such credits.

The International Security Assistance and Arms Export Control Act of 1976 gives Congress the right to determine whether the United States should reduce or end security assistance or arms sales to a country found to be seriously violating human rights. The law seems to apply to any future U.S. arms sales to the PRC -- a policy proposed by some Americans. Thus, the status of human rights in the PRC will have a bearing on whether U.S. arms could be sold to the Peking government.

Finally, the question of human rights in China has also figured prominently in debates in Congress and elsewhere over whether the United States should adhere to Peking's demand that the United States normalize relations with the PRC at the expense of its formal ties with Taiwan. Some spokesmen judge that breaking U.S. political and defense ties with Taipei would leave

the island vulnerable to PRC control and thereby would represent a major setback for the cause of international human rights. Others counter that Peking is unlikely to attack the island following U.S. withdrawal, and they doubt that Taipei's record on human rights is superior to that of Peking.

Philippines*

Introduction.

1/ Access to information on human rights conditions in the Philippines is comparatively good. Western news correspondents are permitted to work throughout the country, although their freedom is curtailed as noted below. Philippine Government officials cooperated with both Amnesty International (AI) and the International Commission of Jurists (ICJ), each of

*Prepared by Marjorie Niehaus, Analyst in International Relations.

1/ The author consulted the following sources:

Amnesty International Report 1977. Amnesty International Publications. London: 1977: 208-211. (hereafter cited as "AI report")

The Decline of Democracy in the Philippines. International Commission of Jurists. Geneva, Switzerland: August 1977. (hereafter cited as "ICJ report")

Human Rights and the U. S. Foreign Assistance Program Fiscal Year 1978 Part 2 - East Asia: Philippines. Washington: 1977: 26-39. (hereafter cited as "CIP report")

Political Detainees in the Philippines: Book Two. Manila, The Association of Major Religious Superiors in the Philippines: March 31, 1977. (reprinted in the United States by the Anti-Martial Law Coalition Philippines)(hereafter cited as Major Religious Superiors report)

Friends of the Filipino People. Washington, D. C. Various newsletters and publications.

U. S. Congress. Congressional Record. June 22, 1977.

_____. Congressional Record. June 23, 1977.

_____. Congressional Record. August 5, 1977.

_____. Congressional Record. October 18, 1977.

_____. House of Representatives. Subcommittee on Asian and Pacific Affairs. Security Assistance to Asia for Fiscal Year 1978: Report of a Special Study Mission to Asia, April 8-21, 1977. U. S. Gov. Print. Off., Washington: 1977.

_____. House of Representatives. Subcommittee on Foreign Operations and Related Agencies. Hearings. Foreign Assistance and Related Agencies Appropriations for 1978. Part 3. U. S. Gov. Print. Off., Washington: 1977: 605-661. (hereafter cited as "House Hearings on Foreign Assistance")

which conducted field studies on human rights in the Philippines and issued reports in 1977. Several U. S. congressional delegations and other U. S. government groups made field trips to the Philippines, during which they met with dissidents and opponents of the Marcos Government as well as with Government officials, and reported on their findings. The special relationship between the United States and the Philippines, an American colony from 1899 to 1946 and after 1946 an ally, facilitates U. S. information gathering. English is an official language of the islands; many Filipinos have contact with relatives and friends who live in the United States; the United States maintains major bases and over 13,000 military personnel in the Philippines; the U. S. share of foreign investment in the Philippines is about 80 percent (over \$3 billion); and many religious missionaries in the Philippines are from the United States. It should be noted, however,

(1/ Continued).

- _____. Senate. United States Development Assistance Programs in Pakistan, the Philippines, and Indonesia: Staff Reports to the Committee on Foreign Relations. U. S. Gov. Print. Off., Washington: February 1977: 19-30. (hereafter cited as "Senate staff report")
- War on Hunger: A Report from the Agency for International Development. Agency for International Development. Washington: December 1977. (hereafter cited as "AID report")
- Youngblood, Robert L. "Philippine-American Relations Under the "New Society." Pacific Affairs. v. 50, spring 1977: 45-63.

Additional sources of information for this report included phone conversations with Department of State and congressional staff members, Far Eastern Economic Review articles, and press accounts in the Asian Wall Street Journal, the New York Times, the Christian Science Monitor, the Washington Post and other newspapers.

that the Philippine news media are controlled by President Marcos, and that under martial law most Philippine citizens are reluctant to comment, even privately, about their government.

Overview. In September 1972 President Marcos proclaimed martial law in the Philippines as a purportedly temporary measure to maintain order in the face of threats from Marxist and Muslim insurgency movements and to institute reforms in the political, social, and economic sectors. The representative legislature was suspended indefinitely, the courts were subjected to executive oversight, and severe restrictions were placed on basic human rights and freedoms.

During the subsequent five and one-half years of martial law, Marcos has tightened his system of personal authoritarian rule by decree, supported by the armed forces. There have been no elections or traditional political activities, although Marcos recently announced that elections for representatives to an interim National Assembly would be held in April 1978. The proposed legislative body is also to include appointed members.

Among the positive effects of martial law rule is the restoration of a general atmosphere of law and order in which violent crimes have been reduced and the economy has improved. Foreign investment, mainly from the United States, has increased; and the country has become self-sufficient

in rice production. ^{1/} On the negative side, however, corruption among the supporters of Marcos continues to increase as military personnel and the friends and relatives of Marcos replace the former privileged families in positions of wealth, power, and influence. In general, since the imposition of martial law, the inequities in the political and economic systems seem not to have been lessened, insurgencies have not been subdued, and basic human rights and traditions of democratic rule have greatly suffered. The ICJ report claimed that, while the 1972 declaration of martial law was a proper exercise of the presidential power at the time, "there is no convincing evidence that its continuation is still justified." It concluded that "martial law is being continued in order to perpetuate the personal power of the president and his collaborators and to increase the power of the armed forces."

In response to the ICJ report President Marcos stated that he established martial law to protect civil liberties in the Philippines, and he denied the charges that his regime was a human rights violator. ^{2/}

Integrity of Person.

According to the AI and ICJ reports, several hundred to several thousand political prisoners are being detained without trial, by the Marcos Government,

^{1/} AID report, 6.

^{2/} Foreign Broadcast Information Service. Asia & Pacific.
August 2, 1977: P. 1.

with little or no access to lawyers. Torture appears to be frequently and widely used. In addition, a number of prisoners have been secretly held for long periods. The U. S. Department of State report on human rights conditions in the Philippines noted that although torture and maltreatment of prisoners are contrary to stated Philippine Government policy, the conditions and atmosphere of martial law may help to nurture those practices. In reference to the numbers of political detainees, the State Department report noted that most estimates range between 500-6,000, but "generally the number of detainees held who are non-violent opponents of the martial law regime is believed to fall in the lower part of the range."^{1/}

Under a continuing pattern of arrest and release, about 60,000 persons have been arrested since September 1972. Precisely how many have been released is unknown. In February 1977, a Philippine Government official stated that 4,000 persons were under detention without trial and of this number 1,441 were suspected of subversion.^{2/} ("Subversion" was defined by an official as "Anybody who goes against the government, or tries to convince the people to go against the government; that is subversion.") In June

^{1/} U. S. Congress. House of Representatives. Human Rights Practices in Countries Receiving U. S. Security Assistance: Report Submitted to the Committee on International Relations by the Department of State In Accordance with Section 502B(b) of the Foreign Assistance Act, as amended. U. S. Govt. Print. Off., Washington: April 25, 1977: 18.

^{2/} ICJ report, 32.

1977 Marcos claimed that 598 persons were being held for security reasons,^{1/} but he denied, as he has done previously, that there were any "political prisoners" in the Philippines.^{2/} Marcos announced in June 1977 that 1000 martial law prisoners would be released, but of the 498 detainees actually released only a few could be classified as "political prisoners."^{3/}

AI estimates that at least 2,000 political prisoners are being detained in the Philippines.^{4/} An AI mission to the Philippines (November - December 1975) submitted its report to President Marcos in May 1976, stating its general conclusion that martial law officers used torture widely in order to intimidate detainees. In the second edition of the report (March 1977) AI affirmed that, despite Government officials' statements that they strongly disapproved of the use of torture, it was still widely inflicted on political prisoners.

^{1/} AI report, 210.

^{2/} Tasker, Rodney. "Marcos courts his critics." Far Eastern Economic Review, September 2, 1977: 21.

^{3/} CIP report, 28.
 "Ferdinand Marcos' New Society" Time, August 15, 1977: 34.
 Tasker, Rodney. "Campus Confrontation" Far Eastern Economic Review, September 9, 1977: 9.

^{4/} AI report, 210.

The Association of Major Religious Superiors, on March 31, 1977, released a publication containing sworn testimony from 20 prisoners attesting to their torture during interrogation.^{1/}

The ICJ, which sent three missions to the Philippines (May and November 1975 and February 1977), concluded in its report that the Philippine Government has not yet taken effective steps to prevent the use of torture by the military during interrogations which last for days and even months. Among the methods of torture allegedly employed are: water treatment, electric shock, beatings, and humiliating and degrading conditions. The report described numerous cases of torture with names, locations, and methods. Further, it concluded that the Marcos Government has detained without trial several hundred political prisoners, some for as long as five years.

Former Philippine Senator Benigno S. Aquino Jr., Marcos' chief political rival and a political prisoner who has been held since September 1972, was sentenced on November 25, 1977, by a military tribunal to be executed for subversion and other crimes. Aquino has denied the charges against him, and the sentence provoked international criticism, including an expression of concern from the U. S. Department of State. Marcos subsequently ordered

^{1/} Major Religious Superiors report, 7-17.

the trial reopened. (As of January 31, 1978, the reopened trial has been delayed by the Supreme Court until it rules on whether the military tribunal had the right to try Aquino.)

In April 1977, Mrs. Trinidad Herrera, an internationally-recognized civil rights leader of the Filipino poor, was arrested and tortured in a military "safehouse" -- a secret interrogation center. President Marcos ordered her release after the U. S. Department of State expressed concern that Herrera's rights had been violated, U. S. diplomats visited her in prison, and the Canadian director at the World Bank called for a postponement of an upcoming loan approval for the Philippines until the matter has been investigated. Subsequently, two men whom Herrera accused of torturing her were acquitted by a military court.

Marcos has reacted in other ways as well to criticism of Philippine human rights violations, but, his critics maintain, most of these responses are superficial. For example, in July 1976, Marcos ordered that all cases pending before military tribunals be tried before August 1976, and yet, since that announcement, only a few cases have been brought to trial. In September 1976, four military personnel were charged with having tortured prisoners, but on October 23 their trial was postponed indefinitely. In June 1977, Marcos announced plans to end military jurisdiction in cases involving prisoners detained without trial under martial law, and to phase out the military tribunals. These declarations have yet to be implemented. On December 8, 1977, Marcos said, as he had on several earlier occasions, that he supported President Carter's human rights policy and did not condone

whatever isolated instances of torture or illegal arrest might have occurred under the martial law he imposed. The ICJ report noted that the scale of torture that existed during the first two years of martial law has been reduced in recent years, although serious cases are still occurring "due to failure of the Government to impose sufficiently strict control over the methods employed by certain interrogators, to terminate the use of 'safehouses,' to bring to trial all of those responsible for these illegal practices, and to ensure that these offenses are punished with the severity which they merit."

According to diplomatic sources, the reported instances of torture have declined in recent months. Opponents^{1/} of the Marcos Government explain such a decline in cases of torture as part of a trend on the part of Philippine officials to move away from detaining prisoners who can bring criticism to the Marcos Government in favor of arranging for the "disappearances" of the regimes's opponents.

Basic Human Needs.

The Philippine economy has been growing by 6% annually since martial law was imposed. Even so, various economic analyses suggest that the islands have serious problems. Per capita GNP is still only \$330, and there is no indication that the gross inequalities in income distribution

^{1/} The author's personal interview of a representative of the Friends of the Filipino People (FFP) in Washington D. C. on January 31, 1977.

which have existed since the colonial period have been lessened. The economic growth rate has been eroded by a population growth rate of nearly 3%. Real wages for both skilled and unskilled workers have declined in recent years. The rural areas continue to be neglected while the Government has emphasized the construction of urban infrastructure, including 14 luxury hotels. Rural-urban migration, resulting in part from rural stagnation, contributes daily to urban unemployment and overcrowding. In general as the Senate staff report on the Philippines points out, the social structure is highly skewed and the distribution of income apparently is becoming more inequitable.^{1/} Five percent of the population owns 70-80% of the country's wealth.^{2/} Under pressure from the Marcos Government, former wealthy and politically powerful families have lost fortunes (up to \$400 million in some cases) as companies owned by them have passed into the control of close friends and relatives of Marcos and his wife, Imelda, thereby

^{1/} Khan, Anzur Rahman. "Growth and Inequality in the Rural Philippines" Poverty and Landlessness in Rural Asia. Geneva: International Labour Office, 1977: 233-249.

Senate staff report, 19-20.

^{2/} Weinraub, Bernard. "Church Groups is the Only Opposition in the Philippines." New York Times, August 15, 1977.

cutting off the Marcos' chief opponents from financial resources.^{1/}

Favorable presidential decrees and consideration are said to have redistributed wealth from one elite to another, with no benefit to the majority of the Filipinos. For example, the National Grain Agency, empowered by presidential decree to import all grain into the Philippines, in the last three years has reportedly made over \$100 million--much of which has been siphoned off by high officials--by keeping the price of wheat high and by using U.S. Commodity Credit Corporation financing. In FY77 the Philippine Government bought a total of 660,000 tons of wheat, 90 percent of it from the United State at between \$140 and \$160 a ton. This wheat was resold to the millers at \$230 a ton. According to estimates, the higher wheat prices have reduced bread consumption in the Philippines in 1977 by 25 percent.^{2/}

^{1/} In January 1978, the New York Times published findings of its investigation of Marcos' consolidation of political power and personal wealth, of how Marcos' power has enriched their friends and relatives, and of questionable business activities of close Marcos associates. Detailed allegations were also carried in the Washington Post, the Wall Street Journal, Time and Newsweek.

^{2/} Butterfield, Fox. "Marcos Grain Agency Aid to Amass Profit" New York Times, January 18, 1978.

_____. "Once-Powerful Families in the Philippines Lose Heavily Under Government Pressure" New York Times, January 18, 1978.

King, Seth S. "U.S. Says Philippines Met Rules on Credit" New York Times, January 18, 1978.

The land reform program initiated at the time of martial law in 1972 is substantially behind schedule. Although most landholdings over 24 hectares, which mainly were owned by Marcos' opponents, have been redistributed, the program has slowed down since the smaller holdings, 7-24 hectares, tend to be owned by Marcos' supporters.^{1/} The objective of the original program was to transfer to approximately 1,000,000 tenants a total of 1,767,000 hectares of tenanted rice and corn lands, or about one-third of the total rice and corn lands in the Philippines. According to the report by the International Commission of Jurists, as of November 1976, the Government had issued "provisional" title to only 215,000 tenant farmers to cultivate approximately 435,000 hectares of rice and corn land. The ICJ report added that because of many factors, such as inadequate agricultural knowledge and the inability of the Government to administer the various related programs, it is unlikely that many of these tenants will receive "final" title to their lands.^{2/}

Housing construction provides less than 5 percent of the yearly demand, and according to the ICJ report, about 500,000 of the 4,000,000 existing units are substandard and highly perishable. This situation has contributed to the squatter problem in the metropolitan areas.

^{1/} Senate staff report, 23.

^{2/} ICJ report, 21-22.

The report goes on to say that, although the Marcos Government has made significant progress in its health care system since 1972 by building more hospitals, training additional personnel, and promoting public sanitation, over 50 percent of the Philippine people are malnourished.^{1/} The ICJ report concluded that, although the Marcos Government has attempted to solve many inherited social problems, "insofar as such a large proportion of the national wealth is concentrated in so few hands, and inasmuch as the Government has placed such overwhelming priority on strengthening the military sector, the rate of progress in the social and economic sectors has necessarily been slower than many hoped at the time of the imposition of martial law."

The nation's best resource, perhaps, is its educated and literate people. The population of 44,000,000 are among the best educated of the developing world countries, and the Philippine literacy rate is 83 percent. According to the ODC 1977 report, the Philippines were rated "73" on its 1-100 physical quality-of-life index. This rating is similar to that of Thailand (70) and South Korea (80), but low in comparison to Singapore (85) and Taiwan (88).

Civil and Political Liberties.

In his report to the country on the fifth anniversary of martial law in September 1977, President Marcos said, "largely because of remaining

^{1/} ICJ report, 23-24.

problems in the areas of peace and order and national security, it is not possible for us to implement the lifting of martial law."^{1/} Under martial law there has existed in the Philippines an almost total suspension of civil and political liberties. The principal news and communication media permitted to operate are owned by relatives or friends of Marcos. Pursuant to presidential decree, any public statement that is critical of the government may be termed "subversive."^{2/} Those who do not conform to the rules of censorship risk loss of license or imprisonment. For example, in November 1976, an Associated Press correspondent in Manila was expelled for having released "false information concerning the Government;" in June 1977, three foreign correspondents were arrested and interrogated for having covered an anti-Government rally.^{3/}

One recent time when the Government has allowed criticism occurred for a period of about six weeks before the December 17, 1977 referendum when Marcos lifted the "effects" of martial law so that its critics could "debate freely." Opponents of the Marcos Government, such as former President Macapagal and former Senator Guardo Roxas, made critical speeches asking for Marcos' resignation. For the first time before a referendum during the Marcos administration, the speeches appeared in the

^{1/} Moritz, Frederick. "Marcos: martial law to remain," Christian Science Monitor, September 27, 1977: 22.

^{2/} CIP report, 29.

^{3/} ICJ report, 29.

Government-controlled press. Another group of opponents, headed by former Senator Salonga, called the referendum a "brazen mockery."

Since 1972, on five occasions President Marcos has sought endorsement of his actions by way of referenda and has attained about 90% approval in each case. However, one group of analysts ^{1/} of the situation concluded that the results of these referenda cannot be considered as a true measure of the will of the people, given that free public debate is prohibited, that most political opponents are in jail, that there is no freedom of assembly, that the military forces dominate the country, that the secrecy of the ballot is not preserved, that the counting of the ballots is conducted by Government nominees, and that failure to vote is punishable by six months in jail.

In an attempt to counter U.S. criticism of the martial law regime, the Philippine Government recently signed a contract with a U.S. public relations firm. Reportedly, ^{2/} the Marcos Government will spend about \$1.8 million over three years to improve its image in the United States.

Marcos and his supporters reportedly hope that the April 1978 elections for representatives to the interim National Assembly will soften his image as an authoritarian ruler. In January 1978, Marcos announced that 160

^{1/} ICJ report, 20.
CIP report, 29.

^{2/} The Washington Post, February 4, 1978.

representatives will be elected by regions; 20 other members will be appointed from the members of the president's cabinet; and 12 members will be appointed by electoral councils to represent youth, agricultural and industrial sectors.^{1/} Marcos also said that "persons who have been detained for subversion and other crimes against national security and public order but who have not been convicted of any of these crimes should be allowed to vote and be voted upon."^{2/} Former President Macapagal has said he will not take part in the elections which he described as "farcial" under martial law.^{3/} Other opponents have pointed out that newly drawn up electoral districts, that are larger than the former ones, and the limited 45-day campaign period will make it difficult for them to become known by the voters. Also, the most formidable challengers, such as Aquino, may not be released from jail in order to campaign. The opposition press, such as the church publications, will not be permitted to operate. In addition, although the Philippine Government press has said the interim legislature "will function during the period when the Philippines changes its form of government from the presidential to the parliamentary form,"^{4/} the powers of the body have not been clearly defined.

^{1/} Foreign Broadcast Information Service. Asia & Pacific. January 24, 1978: P1.

^{2/} Ibid., January 26, 1978: P1.

^{3/} Washington Post, January 17, 1978.

^{4/} Foreign Broadcast Information Service. Asia & Pacific. January 24, 1978: P1.

Furthermore, President Marcos has announced that he is empowered to dissolve the interim National Assembly and legislate himself whenever, in his view, "it is unable to act to meet the exigency."^{1/}

Being the only national institution in the country other than the Government and receiving the allegiance of over 85% of the population, the Catholic Church is powerful. Elements within the Catholic Church that have demonstrated effective opposition to martial law have been attacked by the Marcos Government. Many foreign missionaries, including several Americans, have been deported. In December 1976, Signs of the Times and the Communicator, two church publications which opposed martial law, were closed, their equipment and documents impounded. Also, in the same month, 208 members of the Church were ordered arrested and detained, but have never been brought to trial. In February 1977, 66 of the country's 74 bishops signed a pastoral letter condemning the action of the Government in its attack on the Church. Subsequently, one of the signers, Bishop Francisco Claver, was placed under arrest.^{2/}

By decree Marcos has prohibited strikes of any labor activity in all industries, and has prohibited student strikes, demonstrations, rallies, and "agitation-oriented discussion of political issues" parti-

^{1/} Foreign Broadcast Information Service, Asia & Pacific, January 30, 1978: p 3.

^{2/} CIP report, 30.

cularly martial law. In September 1977, during campus and street demonstrations against martial law, about 66 persons were arrested, including 15 Catholic nuns and two priests.^{1/}

Marcos has severely restricted the right of Philippine citizens to leave and return to their country. Although on August 21, 1977, he lifted a ban on nonessential travel abroad, Marcos subsequently imposed taxes as high as \$275 a ticket for those seeking to travel abroad. Later,^{2/} after strong public criticism, he lowered the tax by about 50 percent. Marcos announced in August 1977, that 1:00 A.M.-4:00A.M. curfews were to be lifted, but he later said that curfews may be imposed in certain areas if warranted by security considerations.^{3/}

U.S. Policy Response.

Executive Branch. During 1977, in virtually every significant contact between U.S. and Philippine officials, human rights considerations played a role. On several occasions U.S. officials met with President Marcos to make known U.S. concerns for a particular human rights situation. For example, when Mrs. Herrera was detained and tortured (see above), U.S.

^{1/} Mortiz, "Marcos: Martial Law to Remain," 22.

^{2/} Asian Wall Street Journal, October 4, 1977.

^{3/} Tasker, Rodney. "Marcos courts his critics," 20-21.

officials visited her in jail and expressed public concern that her rights had been violated. After Senator Aquino was sentenced to death by a military tribunal (see above), the Department of State issued a statement that "we are disturbed by the sentence that Mr. Aquino received ..." and, again, U.S. diplomats met with the highest Philippine officials to express concern over the situation. In January 1978, Assistant Secretary of State for Human Rights, Patricia Derian, met with President Marcos and other Philippine officials in Manila, to discuss Philippine restrictions on human rights. Derian also met with Philippine human rights activists and visited former Senator Aquino in a military prison, after which she publicly spoke of his "fortitude."

Two prominent Philippine political prisoners who escaped September 30, 1977, from a jail outside Manila after having been held for five years were granted political asylum in the United States.

The Carter Administration took the position that, given the importance of U.S.-Philippine bilateral political, strategic, economic relations, the U.S. Government would have more leverage with the Philippine Government in regard to human rights if bilateral U.S. assistance were continued rather than terminated. However, the cut in aid to the Philippines, proposed in June 1977 by the House Appropriations Committee, which was linked to Philippine human rights restrictions (see below), was acceptable to the Department of State.^{1/} In November 1977, an inter-agency Task Force on Human Rights and Foreign Assistance recommended that the United States

^{1/} Congressional Record, June 22, 1977: H6299.

abstain from voting on multilateral loans to the Philippines. Following this recommendation, the United States Government abstained from votes on Asian Development Bank loans to the Philippines on November 28, and December 9, 1977.

According to some analysts, the Administration's human rights campaign may have had its greatest impact in Asia in the Philippines. Among the concrete steps taken in 1977 by President Marcos to improve human rights conditions are: statements, denouncing torture and maltreatment of prisoners as an official policy, which, according to diplomatic sources, have resulted in a reduction in reported incidents of torture; initiation of court martial proceedings against military personnel accused of torturing prisoners; and the announced National Assembly elections scheduled for April 1978. Others, however, question the depth of the U.S. impact, and point out that Marcos' statements and proposed actions to demonstrate that human rights are being safeguarded in the Philippines have been cosmetic at best, and, frequently, not even implemented.

Congressional Response.

Each year since martial law was declared in 1972, the U.S. Congress has questioned the appropriateness of continuing substantial economic and military aid to the Philippines (over \$2.6 billion FY46-FY75) in light of the human rights situation in that country. Several times, such as in

December 1974, U.S. aid to the Philippines was nearly cut in an attempt to influence the improvement of human rights conditions. In 1977, with the intention of sending a message to the Philippines authorities that the U.S. Congress was not satisfied with the Philippine Government's handling of human rights violations and restrictions, and that the U.S. Congress was not intimidated from further cutting of aid by the strategic importance of the U.S.-Philippine relationship, the amounts of military aid appropriated by the Congress was less than the amounts requested by the Administration. To emphasize the trimming of aid these restrictions were spelled out in the law itself-- P.L. 95-148, Section 503C.

FY78 U.S. Military Aid to the Philippines (in \$ thousands)^{1/}

	<u>Requested Amount</u>	<u>Appropriated Amount</u>
military assistance grants.....	19,600,000	18,100,000
foreign military sales credits.....	2,000	1,850
international military education and training funds.....	800	700

The House Subcommittee on Foreign Operations held hearings in April 1977 on human rights in the Philippines to determine the most appropriate

^{1/} Total U.S. economic assistance to the Philippines for FY78 is approximately \$100 million. The Philippines is the fourth largest recipient of U.S. development assistance (after Bangladesh, Pakistan, and Indonesia.)

response in regard to U.S. assistance. In view of the testimony received, some Members of Congress advocated a substantial reduction of U.S. aid to the Philippines. Those advocating a cut argued that, because President Marcos needs and wants U.S. aid, and because he wants a U.S. bases agreement favorable to the Philippines, including a substantial amount of "rent" for the bases, the Philippine Government will carefully consider any congressional linkage of improved human rights and U.S. assistance. In June 1977, the House Appropriations Committee recommended and the House agreed to the reduction of requested military assistance by \$3 million, military training by \$200,000 and military credit sales by \$3 million. The floor debate in the House linked the cut to the human rights situation in the Philippines.^{1/}

The final amount of FY78 aid was reached in a compromise with the Members of the Senate and the House who argued that a drastic cut might be detrimental to U.S. interests in Asia, that the Philippine Government which had made attempts to improve human rights conditions needed an incentive to continue the progress, that the U.S. Government should not interfere in the internal affairs of a foreign government, and that the aid policy is inconsistent when it provides funds -- even though indirect -- to communist countries that restrict human rights while it limits funds to long-time friends, such as the Philippines.^{2/}

^{1/} Congressional Record, June 22, 1977: H6297-H6354.

^{2/} Congressional Record, August 5, 1977: S13837-S13921

The congressional debate over assistance to the Philippines will continue in the second session of the 95th Congress, 1978. For example, the passage of H. Con. Res. 416, which was introduced on November 22, 1977, will be debated in early 1978. It "denounces the acts of repression by the Government of Ferdinand E. Marcos of the Philippines and urges the President to terminate security assistance to that government because it continues to engage in a consistent pattern of gross violations of internationally recognized human rights." Hearings on human rights in the Philippines have been scheduled for February 1978 by the House Subcommittee on International Organizations.

Human Rights Conditions in South Korea*

A. Introduction

Within the United States, there may be more printed information about human rights conditions in South Korea than perhaps any other country in the world. The Washington Post, New York Times, Los Angeles Times, and the Chicago Tribune have Bureau offices in Tokyo. Correspondents assigned to these offices cover Korea, and they have written about human rights extensively in the last five years. A recent survey of articles from these and other American newspapers in the Korea files of the Congressional Research Service, Foreign Affairs and National Defense Division, showed the following: from January 1, 1976 through August 1, 1977, the total number of Korea-dateline articles on human rights was 69 compared to 67 on four other subjects combined--U.S. troop withdrawal, North Korea-South Korea relations, alleged Korean-influence buying in the U.S. Congress, and the South Korean economy. Moreover, although the South Korean government has placed legal restrictions on statements South Korea citizens can make to the foreign press concerning human rights (See Section B.3. "Political and Civil Liberties"), the articles in the survey indicated a preponderant reliance upon critics and opponents of the South Korean government as major sources of information.^{1/}

^{1/} The 69 articles contained the following numbers and categories of cited sources: U.S. government (3), South Korean government (23), South Korean opposition parties (10), and critics and opponents (47).

* Prepared by Larry A. Niksch, Specialist in Asian Affairs

In addition to the American press, two Asian-based publications--Asian Wall Street Journal and Far Eastern Economic Review, provide periodic coverage of the issue. The South Korean press contains little information concerning the activities and status of critics and opponents of the government, but it is a useful source of information on government policy and the position of the opposition parties. Amnesty International issued a report on the findings of a mission that visited South Korea in 1975, and its annual reports contain detailed sections on South Korea. The House of Representatives, Subcommittee on International Organizations, held hearings on human rights in South Korea in 1974 and 1975. In recent years, a number of congressional delegations have visited that country, and the reports of these delegations often contain information on human rights conditions. Major U.S. Catholic and Protestant groups, including the National Council of Churches and several leading Protestant denominations, have closely followed the issue because of the significant role played by prominent Korean Christians in the anti-government movement.

South Korea occupies the southern half of the Korean peninsula, which has been divided into a non-Communist South and a Communist North since the end of World War II. South Korea's population is over 35 million (1977 estimate). Heavy urbanization since the early 1960's has resulted in a roughly 50-50 ratio between rural and urban dwellers. Seoul, the capital, has a population of about 7 million. Buddhism, Confucianism, and Christianity are the major religions, although Confucianism is as much a moral and socio-political philosophy as it is a religion.

Relations between North and South Korea have been consistently hostile since the establishment of the two Korean states in 1947-48. North Korea has attempted twice to take over South Korea by force: the Korean War (1950-53) and the infiltration of hundreds of agents into the South during the 1966-69 period in an unsuccessful attempt to foment an insurgency. North-South negotiations began in 1972 but quickly broke down.

The present state of human rights has its origin in the imposition of a new constitution by President Park Chung Hee in 1972 following a declaration of martial law. The 1972 or Yushin Constitution differs from its 1963 equivalent in several important respects. It places no limits on the number of terms a President may serve. Instead of direct, popular Presidential elections, the President is elected for a 6-year term by a National Conference for Unification: a body of 2,000 to 5,000 members which is elected by direct popular vote every 6 years. A unicameral National Assembly has two-thirds of its members elected by direct popular vote and one-third chosen by the National Conference for Unification. The new constitution broadens the President's emergency powers and provides for extensive restrictions on civil liberties "when necessary for the maintenance of national security, order, and public welfare." In these circumstances, the President may "temporarily suspend the freedom and rights of the people." Park Chung Hee was elected President for a 6-year term in December 1972.

South Korean government officials have asserted that the Yushin Constitution and other restrictive measures are necessary to ensure South Korea's internal security in the face of declining U.S. military support and the increased threat from North Korea. They also argue that, in a country at the developmental level of South Korea, crucial decisions involving economic policy--in the wake of the energy crisis, the threat from the North, and prospective U.S. troop withdrawal--cannot be made in a totally liberal democratic environment where politicians are reluctant to call for sacrifices and belt-tightening by their constituents.

Opponents of the government challenge its assertion that the constitution is necessary to meet the threat from North Korea. In the past, some critics have contended that South Korea could be assured of the U.S. defense commitment as a adequate assurance against the threat from the North. Many critics also argue that the government's restrictions on political and civil liberties weaken its internal support and thereby opens the way for North Korean meddling. Opponents also charge that President Park was motivated chiefly by a desire to perpetuate himself in power when he imposed the 1972 constitution, since the old 1963 constitution limited the number of terms a President could serve.

B. Current Situation

1. Integrity of Person

Since the beginning of 1974, the South Korean government has arrested and imprisoned several thousand people for violating laws and emergency

measures that prohibit South Korean citizens from criticizing certain government policies. The major measure currently in force is Emergency Measure No. 9. (See Section B.3 on "Civil and Political Liberties" for a summary of its provisions) According to available estimates, the number of people held at any one time for violations of these measures has seldom if ever exceeded 1,000 and usually numbers several hundred. In its March 1977 "Human Rights Reports," the Department of State estimated that over 400 persons had been tried or were awaiting trial for violation of these laws and emergency measures. In its 1977 annual report, Amnesty International asserted that there were "several hundred political prisoners in South Korea." During the second half of 1977, most estimates in the American press were in the 200-250 range.

The South Korea government announced the release of several political prisoners beginning in July 1977. By the end of the year 47 had been freed. All had been convicted of violating Emergency Measure No. 9. Among those released were 17 of the 18 signers of the Myong-Dong declaration of March 1976, whose action and subsequent arrest and trial had been widely reported in the American press. The remaining signers, former presidential candidate Kim Dae Jung, is still in custody.

In 1975 and particularly in 1976, anti-government groups and individuals made numerous allegations that the South Korean government regularly practiced torture against political detainees and subjected them to inhuman and degrading treatment. The allegations specifically

cited beatings, long periods (several days) of interrogation without sleep, and use of electric shock and water.

In the past, South Korean officials have admitted the use of torture but have asserted that it was unauthorized.^{1/} In May 1976, the Washington Post reported that the Korean Central Intelligence Agency or KCIA (the organization given primary responsibility for enforcing the restrictive laws and measures) had de-emphasized the use of torture in dealing with political dissidents.^{2/}

Allegations of torture and degrading treatment declined considerably in 1977, at least as indicated by American and other Western press coverage of the human rights issue. Specifically, those released in 1977 did not repeat the accusations of torture made by individuals released in 1975 and 1976, but it is uncertain whether this represents an abandonment of torture or whether it reflects the government's success in intimidating individual detainees. The Reverend Kim Kwan Suk, secretary general of the Korean National Council of Churches, stated in December 1977 that prisoners affiliated with religious organizations apparently were not tortured but that those lacking such affiliations were still abused. Information from dissidents in 1977 indicate that the government attempted to negotiate with dissident leaders and detainees

^{1/} See, for example, the statement by Foreign Minister Kim Dong Jo in the New York Times, May 1, 1975.

^{2/} Washington Post, May 23, 1976.

over the language of "confession" statements to be signed by individuals as a condition for release.^{1/} Beginning in July 1977, the government on several occasions has offered to release violators of Emergency Measure No. 9 if they promised not to commit similar offenses in the future. This does not appear to be a modification of the government's approach in 1975 and 1976 when the many allegations of torture described government attempts to extract from individuals confessions of being Communists or North Korean agents.

Besides the actual imprisonment of critics of the government, the government has used certain forms of arbitrary arrest without formal charge. These acts include house arrest and arrest for short periods with intense questioning.

There have been few or no charges or complaints in recent years of unfair or biased court proceedings dealing with individuals accused of crimes of a non-political nature. However, numerous complaints have been directed at the emergency courts-martial, which were created in 1974 to try individuals accused of violating the emergency measures, and other courts dealing with offenses of a political nature. Trials by the emergency courts-martial generally were held within a reasonably short time after arrest but were closed to the public. Recent trials under Emergency Measure No. 9 have been before regular district courts and have been at least partially open to the public. Apparently in

^{1/} New York Times, August 3 and December 4, 1977. Washington Post, December 18, 1977.

some cases defense lawyers have been restricted in their access to clients; certain defense witnesses have been barred from testifying; defense lawyers have been harassed or threatened by the government; and the government has withheld details of indictments to defense attorneys until immediately before the trial opening.

2. Basic Human Needs

South Korea's Physical Quality of Life Index (PQLI), as calculated by the Overseas Development Council, is 80. The Council designates Korea as a lower middle-income country. However, both the PQLI and this designation are based largely on statistics from the 1973-75 period. Given South Korea's phenomenal economic growth, the designation is already out of date. South Korea's GNP per capita has risen from \$480 in 1974 to \$864 in 1977 with excellent prospects of reaching \$1,060 in 1978. This currently places South Korea in the Council's "upper middle-income country" designation. One may also assume that the PQLI has risen above the 80 level and may be about 85. It should also be noted that South Korea's per capita GNP was only \$155 as late as 1967.

South Korea's PQLI of 80 is extremely high within the range of lower middle-income countries. Of ten other countries with a 1974 per capita income in the \$450-\$550 range, only one had a higher PQLI. Of the 39 countries designated as lower middle-income countries, only three had a higher PQLI.

As the PQLI suggests, the South Korean government has been highly successful in effecting a distribution of the benefits of rapid economic growth that has covered practically all segments of the population.

Statistics published in the Economist (May 7, 1977) showed that of 18 free market countries listed, South Korea ranked fifth in terms of equality of income distribution, only slightly behind Japan, Taiwan, the United States and Great Britain (and ahead of Sweden and West Germany, the other West European countries listed). Recent World Bank studies have concluded that income distribution in South Korea is more equitable than in nearly all other developing countries.

The government's policies in the rural areas have contributed substantially to the success in distributing the benefits of economic growth. Particularly, the government's "Saemaul" or "New Community Movement" and its policies designed to raise the prices paid to farmers for their products are generally give credit for fundamental improvements in the livelihood of South Korea's rural population. After 1970, these policies reversed the growing gap between urban and rural family incomes (such a gap is a common phenomenon in developing countries); and by 1974, family incomes were equal (although larger rural families left a slight gap in per capita income between urban and rural dwellers). Throughout all sectors of the economy, real wages have increased by about 7 percent per annum since 1963 and by almost 20 percent per annum in 1976 and 1977.

Another result of the government's agricultural policies has been an increase in rice production of nearly 7 percent per annum since 1975, compared to stagnant production in the previous decade. As a result, South Korea has attained self-sufficiency in rice production with two qualifications: it still imports large quantities of grain from the United

States (although this may decline or end in the near future) and the government imposes certain controls on consumption. Compared to those of 1975, present-day controls are less stringent.

South Korea has made major progress in limiting population growth. Population growth of about 3 percent per annum in the 1953-63 period has fallen to about 1.5 percent. Government birth control programs are voluntary.

By the mid-1970's, most Koreans had experienced a notable increase in their material well-being. Problems remain in such areas as diversification of diet (particularly increasing protein-based foods) housing shortages in urban areas, inadequate sanitation and water systems in certain regions, shortages of medical personnel (one doctor per 2,024 people in 1976) and medical facilities. This being said, it would appear that the great majority of Koreans--urban and rural--have adequate food, clothing and housing. Moreover, the trend is one of general and continued improvement. South Korea's Fourth Five Year Plan (1977-1981) gives added emphasis on improvement in living standards with sharp increases in government spending on housing, education, and health.

South Korea's educational institutions were destroyed during the Korean War, but a modern and fairly comprehensive system had emerged by the mid-1970's consisting of elementary schools, secondary schools, vocational schools, and higher education. Elementary school education is compulsory, but the government plans to extend compulsory education through junior high school (12-14 year olds) by 1981. Currently, entrance

into high school and colleges are determined by entrance examinations. South Korea's literacy rate is about 90 percent.

3. Civil and Political Liberties

The status of civil and political liberties remained highly restrictive and essentially unchanged in 1977. Major restrictions are imposed by the Yushin Constitution, Emergency Measure No. 9, and several acts passed by the Korean National Assembly.

Emergency Measure No. 9 is the principle legal instrument used to restrict civil liberties. Issued on May 13, 1975, it makes a crime punishable by prison terms of one to 15 years to: advocate repeal of the Yushin Constitution, broadcast or publish any news report of opposition to the constitution, stage any student demonstration or assembly for political purposes, oppose or report opposition to the new decree, or move any Korean-owned property out of the country. The measure gives the government authority to close down universities, broadcasting stations, and newspapers and dismiss any member of their staffs or administration. It permits arrest, detention, search and seizure without warrant. It calls for trial by civil court instead of military court.

The Anti-Communist Law of 1961 applies to a broader range of activities than just communist-inspired acts. It provides for imprisonment for not more than seven years for any person involved in the activities of "anti-state" organizations as well as communist organizations.

In March 1975, the National Assembly adopted a law forbidding any South Korean citizen from criticizing the government in conversations with foreigners.

This was aimed especially at dissidents who criticized the government to the foreign press.

Since the imposition of the Yushin Constitution, the severity of application of these laws and measures has ebbed and flowed. The arrest of over 200 people in 1974 under prior emergency measures was followed by the release of nearly all of these people in February 1975. A subsequent outbreak of dissent culminated in Emergency Measure No. 9 and new arrests, the most prominent of which was the arrest and trial of the 18 individuals associated with the Myong-Dong declaration of March 1976.

Arrests under Emergency Measure No. 9 appear to have declined in number in 1977 and the first two months of 1978. This apparently is in line with the release of the 47 detainees.

The government continues to use other means to restrict civil liberties, particularly freedom of speech and assembly. As stated previously, it resorts to arrests of individuals without charge for a short period, usually several days. After interrogation, such individuals are released. For example, in April 1977, about 40 dissidents were arrested; and most were released after a few days. However, five students reportedly were charged with violation of the Anti-Communist Law.^{1/} Other methods resorted to by the government include surveillance of dissidents, dispersing of protest meetings and demonstrations, and temporary house arrest. Increasingly, the government has favored these measures rather

^{1/} New York Times, April 22, 1977.

than direct arrest and prosecution.

The government has been very flexible in enforcing the March 1975 law prohibiting South Korean citizens from criticizing the government to foreigners. The Western press continues to enjoy extensive access to dissidents inside South Korea, and their critical comments appear regularly in newspapers like the Washington Post and the New York Times. There seems to be little retribution for such acts. In this vein, the government did not impose the law when former South Korean president and leading dissident Yun Po Sun wrote President Carter in May 1977 calling for U.S. ^{1/} pressure on Park Chung Hee.

The KCIA has kept a close watch over the Korean press since the imposition of the Yushin Constitution. Although no formal censorship organization exists, the KCIA and other authorities appear to have fully informed newspaper editors and publishers what can and cannot be printed in South Korean newspapers. In essence, a system of self-censorship exists.

In the second half of 1977, the press showed more assertiveness, which the government so far has tolerated. South Korean newspapers have given widespread coverage to the allegations of Korean-influence buying in the U.S. Congress, although they have not mentioned reports in the United States of involvement by President Park Chung Hee and other high-ranking officials. On December 12, 1977, the South Korean news

^{1/} For the text of the letter, see Congressional Record, October 31, 1977.

agency, Hapdong, openly criticized the government for its reluctance to allow Park Tong Sun to testify before U.S. congressional committees. The press, and especially Hapdong, has covered criticism of the government and proposals by the opposition New Democratic Party, particularly concerning the release of political detainees and the party's proposals for bipartisan reconsideration of the Yushin Constitution, the abrogation of Emergency Measure No. 9, and changes in the election law to allow political parties to participate in elections for the National Conference for Unification (NCU). In late September 1977, two Seoul newspapers, Dong-A Ilbo and Choson Ilbo, endorsed in editorials the proposals for reconsideration of the Constitution, abrogation of Emergency Measure No.9, and release of political detainees.^{1/}

Major U.S and Japanese newspapers and periodicals are generally available to South Korean citizens, at least in the larger cities. Both the U.S. armed forces radio and television networks and the Voice of America broadcast into South Korea with no apparent interference. As stated earlier, American correspondents have received wide latitude in covering the human rights situation. However, in February 1978, the government barred former Washington Post reporter John Saar from entering the country. The government asserted that Saar's reporting was consistently biased. This was the first such action against an American correspondent under the "Yushin system."

^{1/} Dong-A Ilbo, September 28, 1977. Choson Ilbo, September 29, 1977.

Political activities on university campuses are also regulated by the legal measures described above. Student political movements have strong historical precedent in Korea; and since the 1972 constitution, the student movement has been decidedly anti-government. Students represent a high proportion of South Korean citizens arrested since 1972 for violation of the emergency measures and the Anti-Communist law.

These legal strictures also apply to the content of university courses and to intellectual and artistic endeavors generally. Reportedly, several hundred university professors have been dismissed since 1975 for anti-government political activities. Aside from these political restrictions, South Korean institutions of higher education--of which two-thirds are privately run--are free to develop their own curricula subject to final approval of the Ministry of Education. Within the university and intellectual community generally, there is no requirement or apparent pressure from the government to give positive expressions of loyalty or praise to the government or to Park Chung Hee personally or to join any government-controlled political organizations. Literature and the fine arts have a wide attitude of expression outside of artistic expression of a political nature; and one finds today a broad mixture of Western influence with traditional themes in literature and the arts. However, artists who have placed political material with anti-government overtones in their works have been subject to arrest under the emergency measures and the Anti-Communist Law. The poet Kim Chi Ha is the best known artist to have been arrested.

The government allows freedom of religion but has acted against Christian clergymen and laymen who have participated in political protests or have attempted to organize workers. The Yushin Constitution sanctions labor unions and collective bargaining; but strikes are prohibited, and union activity is closely regulated.

Generally, South Korean citizens may travel freely within the country, and geographical mobility is an increasingly common feature of South Korean society. Foreign travel is subject to government approval but is not absolutely prohibited. The government permits citizens to emigrate even though it is concerned that recent emigration has created a "brain drain."

Opposition political parties have remained active under the Yushin system. South Koreans generally have the right to belong to and participate in the opposition parties or the pro-government Democratic Republican Party. Conversely, membership is not required in any of these organizations. The opposition party leadership (particularly of the New Democratic Party) criticizes the government often, including recent criticism of the alleged slow pace of release of political detainees. The New Democratic Party leader, Lee Chul Sung, has maneuvered around Emergency Measure No. 9 by proposing a bipartisan re-consideration of the Yushin Constitution in the National Assembly. The party is also pressing for changes that would permit political parties to participate in the NCU elections. The New Democratic Party's major success was in gaining the support of the pro-government majority in the National Assembly (and at least the neutrality of the government) in enacting in July 1977 a "recommendation" that the government abrogate Emergency Measure No. 9.

South Korea's electoral provisions limit political rights in that delegates elected to the National Conference for Unification are prohibited from belong to any political party. This would appear to restrict the opportunities for opposition parties to present a presidential candidate with a reasonable chance of election, since the parties could not openly support candidates for election to the NCU. Moreover, the constitution gives the President the power to appoint one third of the National Assembly. The other two thirds and all members of the NUC are elected on the basis of universal direct secret vote. Since 1961, local government officials have been appointed rather than elected.

C. U.S. Policy Response

There are two aspects of the response of the Carter Administration to the human rights situations in South Korea. The first is the Administration's position on linking it with U.S. troops in Korea and security assistance. The Administration has stated repeatedly that it opposes any such linkage. It argues that because of South Korea's strategic importance in East Asia, the issues of security assistance and the plan to withdraw American ground forces should be divorced from human rights considerations.

The second aspect is actions of the Administration in other areas, mainly diplomacy and economic programs, to influence the South Korean government. Late in 1977, the State Department, in reviewing countries eligible to receive PL-480 food shipments, singled out South Korea and four other

countries as having consistent human rights violations. The move was widely reported in the press. On occasion, administration officials, including the President, have expressed general displeasure with restrictions on political and civil liberties in South Korea, but they have not discussed specific cases in public. The Administration also missed opportunities to dramatize support for democratic political development in South Korea when New Democratic Party leader Lee Chul Sung visited Washington in March 1977 and January 1978 without meeting with the President on either occasion.

South Korean dissident leaders have criticized U.S. Ambassador Richard Sneider for not placing enough emphasis on human rights in his dealings with South Korean officials. U.S. Embassy officials reportedly have interviewed dissident leaders frequently. Moreover, in May 1977, the Embassy invited several dissident leaders to a reception given for General George Brown and Under Secretary of State Philip Habib. Habib reportedly discussed human rights with them but only in general terms. A State Department statement of December 31, 1977, welcomed the release of the 47 detainees as "positive actions."

Individual members of Congress made statements on the issue in 1977; and the issue was raised during the U.S.-Japan Parliamentarians Conference on Korea held in Washington in September 1977. On June 23, 1977, the House of Representatives rejected an amendment to the Foreign Assistance Appropriations bill for FY 1978 that would have reduced security assistance to South Korea by about \$45 million from the Administration's request of \$280

million for the fiscal year unless the President certified that the South Korean government had made "substantial progress" in observing internationally recognized standards of human rights.

Several members of Congress visited South Korea in 1977 and discussed the issue with Korean officials. Most conspicuous was a mission composed of members of the House International Relations Committee which visited Korea in April 1977. The mission had discussions with both South Korean government officials and leading dissidents.

The congressional response to the human rights issue in 1977 was increasingly overshadowed by the troop withdrawal question and especially by the various congressional investigations of Korean influence-buying in Congress. The relationship between these three issues will be an important factor in the response of both the congressional and executive branches in 1978.

I. Background

A. History of government policy

South Africa's apartheid policy was established in 1948 when the National Party came to power on the strength of its program of racial separation. A body of increasingly discriminatory legislation was enacted thereafter, first under Prime Minister Hendrick F. Verwoerd and later under Balthazar J. Vorster, the present prime minister. Vorster made attempts to move into a more liberal direction on racial policy both in the early years of his administration and after the 1974 Portuguese coup which left South Africa in a more isolated position in Africa. On both occasions he was met with opposition by the right-wing (verkrampste or "narrow-minded") faction of his party. Vorster's administration has become more conservative as a matter of political survival, though his policy of detente with neighboring black-ruled states is not viewed with favor by the extreme right within his party.

Vorster's rule has been characterized by the implementation of the Bantustan or homelands policy which seeks to develop separate homelands for the different black tribal groups, allowing limited self-government in each of the homelands with the eventual aim of independence. The South African government argues that this policy of separate development will allow all ethnic groups, including the "white tribe," to preserve its own distinct identity, culture, and language. According to the government's plan each of the black homelands, after independence, would elect its own authorities

1/ Prepared by Brenda Branaman, Analyst in Middle Eastern and African Affairs.

and develop itself economically. Blacks living in urban areas would exercise their political rights in their respective homelands according to their ethnic identity. Colored and Asian political representation would be exercised through the Colored Representative Council and the South African Indian Council, as is now the case. The members of these bodies are locally elected and maintain liaison with the South African Cabinet. At present, however, these bodies have only advisory powers.

Critics of the Bantustan policy argue that the Bantustans are not economically viable and will, therefore, be as financially dependent on the Pretoria government after independence as they are now. Agricultural lands set aside for blacks are overcrowded and have poor, overworked soil. Moreover, some areas, such as Bophuthatswana, are arid. Homelands originally possessing mineral resources have had those portions of land reclassified as "white areas". All of the homelands are territorially fragmented; the Zulu homeland, for example, consists of 29 different areas. The homelands are dependent on migrant work because they are located far away from the industrial centers in the cities. Although the government has attempted to persuade businesses to locate in areas bordering the homelands through government concessions and reportedly through promises of cheap labor, these border industries have failed to improve conditions in the homelands. Critics doubt that independence would improve the situation.

Many question whether real political participation will ever occur in the Bantustans since presently there are only a few elected representatives in the Bantustan Assemblies and, even after independence, the homeland army,

police, and authorities in the departments of education, health, justice and agriculture will continue to be administrated by white officials.

In addition, the Bantustan policy fails to take into account the right of representation and government participation for the coloreds and Indians as well as urban blacks, many of whom were born and raised near the cities and are unwilling to return to homelands they have never seen.

In the process of creating homelands the government has carried out forced removals of large numbers of people from their land, on which they have lived for generations. Often their homes have been demolished on ^{1/} short notice by the government.

B. Apartheid restrictions and enforcement

Although other countries practice discrimination, South Africa is unique because its policy of strict segregation is enforced by law. All South Africans are classified as white, Bantu (African or as used in this paper "black"), colored (persons of mixed race), and Asians or Indians. Each of these groups is assigned a specific area where they may live--blacks are assigned 13 percent of the land in the officially designated homelands while whites share 87 percent of the land with Asians and coloreds who are required to live in designated sections of the white areas. Urban blacks are regarded as migrants under the influx control system, which limits the number of blacks

^{1/} Rogers, Barbara. Divide and rule. London, International Defence and Aid Fund, March 1976. p. 34; National Policy Panel. Southern Africa: Proposals for Americans. New York, United Nations Association of the United States of America, December 1971. p. 35.

allowed into the white areas. This system is enforced by the pass laws. All blacks over 16 years of age are required to carry a reference book which must be produced on demand by the police. The pass or reference book contains various identification information, employment records, tax records and a permit for the identified person's presence in an area or a permit to travel for the purpose of employment. Each year large numbers of blacks are arrested for pass law violations. In 1976 the figure was 250,000 persons. Blacks are allowed to live in the cities for employment purposes only, and if a person loses his job he loses his right to stay in the area. Large numbers of blacks who leave the homelands as migrant workers on contract must live in single-sex living quarters and are not allowed to bring their wives or other family members.

The segregation laws provide for racially separate public facilities (transportation vehicles, public washrooms, restaurants, movie theaters, sports facilities, etc.); separate schools, hospitals and churches; and marriage and sexual separation. Under the labor laws non-whites are limited to low-paying, menial jobs while managerial and skilled jobs are reserved for whites. Non-whites are prohibited from holding supervisory positions over whites.

Political restrictions include the lack of suffrage for blacks and coloreds in national elections;^{1/} abolition in 1960 of black political organizations such as the African National Congress (ANC) and Pan-Africanist

^{1/} Parliament is composed entirely of whites. Blacks lost the right to vote in 1910 and coloreds in 1968.

Congress (PAC); banning of multiracial parties in 1968 effectively hampering the functioning of opposition parties such as the Progressive Party which now has all-white membership. ^{1/}

Dissent from the apartheid policy has continuously been expressed by both black and white individuals and organizations, but such dissent has generally been effectively suppressed. The methods used to enforce apartheid include: limitation of court powers; widespread powers of arrest, detention, search and interrogation granted to the police force; use of a widespread intelligence network run by the security police (BOSS--Bureau of State Security); censorship of books and films criticizing apartheid; banning of newspapers and magazines publishing anti-apartheid material; legally required self-censorship by newspapers; actions against persons criticizing the government such as banning ^{2/} them or denial or withdrawal of their passports; and use of more severe sentences for non-white offenders than for white offenders. ^{3/}

^{1/} United Nations. Office of Public Information. A crime against humanity: Questions and answers on apartheid in South Africa. OPI/481-72-24405, February 1973. p. 12.

^{2/} Restrictions on a banned person may involve: (1) prohibiting the banned person from talking with more than one person outside the immediate family at a time; (2) prohibiting publication by the banned person or quotation of the banned person by others; (3) restriction to a certain area, usually involving house arrest; (4) prohibiting communication with other banned persons; (5) prohibiting the banned person from teaching, making speeches or holding elective office, (6) if the banned person is a lawyer he is automatically disbarred; (7) requirement that a banned person must report regularly to the police, sometimes daily.

^{3/} Rubin, Leslie, and Brian Weinstein. Introduction to African politics: A continental approach. New York, Praeger Publishers, 1974. p. 120.

II. Integrity of the person

A. Legal authority

There are a number of laws which give the police authority to ban or detain people in South Africa. The Suppression of Communism Act of 1950 is the primary banning authority while the primary authority for detentions without trial comes from the Terrorism Act of 1967. In 1976 the Internal Security Act of that year broadened the scope of the earlier Suppression of Communism Act. Laws passed during 1977 as a result of reactions to the June 1976 demonstrations include the Indemnity Act and the Criminal Procedure Act. These laws extend the powers of the police and the court officials. ^{1/}

B. Detentions and deaths in detention

It is difficult to obtain accurate estimates of the number of persons in detention at any specific time because most detainees are held incommunicado with neither their families being informed nor their names published. The latest available figures are those officially announced by the South African government in September 1977: 2,430 arrested since the June 1976 demonstrations; of these, 1,307 persons convicted, currently awaiting trial or with cases

^{1/} United Nations. Department of Political and Security Council Affairs. Centre Against Apartheid. Treatment of political prisoners in South Africa. September 1977, no. 26/77. p. 1 (Statement by Amnesty International to the Ad Hoc Working Group of Experts of the United Nations Commission on Human Rights, August 3, 1977); Landis, Elizabeth. Human rights in Namibia. Dakar, Senegal, prepared for the International Conference on Namibia and Human Rights at Dakar, January 5-8, 1976, International Institute of Human Rights. p. 35; Kaplan, Irving, and others. Area handbook for the Republic of South Africa. Washington, U.S. Govt. Print. Off., 1971. p. 371; Amnesty International Report 1977. London, Amnesty International Publications, 1977. pp. 28-29, 97, 102; Africa Research Bulletin, v. 14, July 1977: 4510.

under investigation, the remaining 1,123 persons are presumed to have been released without being charged. ^{1/}

A number of detained persons were released in December 1976. Several of those released were immediately banned after their release, including Winnie Mandela, wife of jailed ANC leader Nelson Mandela. Several others were re-detained in early 1977. ^{2/}

Estimates of the number of persons who have died while being detained since March 1976 range from 21 to 24. ^{3/} Security police usually allege that the deaths were suicides caused by hanging, or they report that the person "fell down the stairs" or "fell __ floors" from police buildings. South African Minister of Justice, James Kruger, recently stated that detainees commit suicide on the instructions of the South African Communist Party and the banned ANC in order to avoid giving away others or crucial information. ^{4/} These reasons for the cause of death among detainees have been questioned by observers of human rights in South Africa. ^{5/}

^{1/} Political imprisonment in South Africa. London, Amnesty International Publications, 1978. p. 39.

^{2/} Op. cit., Amnesty International Report 1977, p. 97.

^{3/} Op. cit., Political imprisonment in South Africa., p. 57; Deaths in detention. Southern Africa, October 1977: 18-19; United Nations. General Assembly. Thirty-second session. Deaths of detainees and police brutality in South Africa since the Soweto massacre in June 1976. Report of the Ad Hoc Working Group of Experts on Southern Africa. October 10, 1977, A/32/226. pp. 18-20.

^{4/} Guardian (London), January 21, 1977; Christian Science Monitor, September 14, 1977: 22.

^{5/} Woods, Donald, New York Times, February 27, 1977: 5, Sec. 4.

The most prominent case of a death in detention during 1977 was that of Steven Biko. Biko was a leader in the black consciousness movement and widely considered a moderate. He died on September 17, allegedly as a result of a hunger strike. The hunger strike allegation was questioned by the South African press, and both domestic and international pressures were exerted for an investigation into the cause of Biko's death. An October autopsy report conducted by the South African government concluded that the primary cause of death was "extensive brain injury." The report also indicated that there had been blows to the chest but no evidence of torture was found. Biko's associates charged that he had been tortured and beaten by police. An inquest was held by the government during October and November and ended December 2 with a verdict absolving security police of any responsibility. The United States strongly denounced the court decision.

C. Student demonstrations

Ceremonies commemorating the 1976 demonstrations ^{1/} were held throughout the country during June 1977. A school boycott was called by student groups and student demonstrations were held to protest the Bantu education system and the detention of a number of student leaders arrested prior to the June 16 anniversary of the 1976 demonstrations. School boycotts, which continued through July and August 1977, led to school closings by the government. The

^{1/} The 1976 demonstrations resulted in mass civilian killings, involving many schoolchildren. Estimates of the number of people killed ranged between 280 by the government to 618 by the South African Institute of Race Relations. In addition, there were numerous allegations of police brutality. Op. cit., Amnesty International Report 1977, p. 94, 99.

demonstrations and boycotts resulted in confrontations between the students and police during which a number of blacks were killed, wounded or arrested. These boycotts were directed against the segregated school system, which the students charged, prevented blacks from getting the same quality education as whites.

D. Torture allegations

Allegations of torture have been documented in recent years by South African organizations such as the Christian Institute of Southern Africa and the South African Institute on Race Relations. ^{1/} A 1977 ANC report says that deaths and injuries to detainees result from the systematic use of torture practiced by teams of persons highly trained in torture techniques and sanctioned by the South African government. Torture allegations made at trials during 1976 and early 1977 have been cited by Amnesty International. In a report released in 1978 Amnesty charged that the South African government appears by its inaction to condone routine use of torture by security police. ^{2/} In July a witness at a trial of 12 persons charged as members of a terrorist recruiting gang said that he was beaten and tortured to force him to make a statement at the trial which was dictated by the security police. ^{3/}

^{1/} New York Times, July 2, 1977: 3.

² Op. cit., Amnesty International Report 1977: 98-100; op. cit., Political imprisonment in South Africa, p. 56. Donald Woods basically agreed with Amnesty's statement in testimony before the Subcommittee on Africa of the Senate Foreign Relations Committee on February 3, 1978. He made clear, however, his belief that the South African government "condones the practice of torture" only by failing to take action against it.

^{3/} Op. cit., New York Times, July 2, 1977.

III. Basic human needs

A. Standards of living

The Physical Quality of Life Index for South Africa is 48, which, though it is low by global standards, is well above the mean for African countries. Though South Africa has the second highest per capita GNP of African countries, its PQLI is still 16 points higher than the norm that accounts for income levels. As these data suggest, critics generally challenge South African economic policy less on grounds of the condition of its black population compared to other parts of the continent than on grounds of economic conditions of South African blacks relative to those of whites.

B. Education

Whites in South Africa are 98 percent literate but non-whites are only 31.5 percent literate. ^{1/} The segregated school system is the generally accepted reason for this disparity. The national government spends between 10 and 20 times more per student on white than on blacks. ^{2/} Black parents must make up the lack of funds from the national government with local funds resulting in higher taxes in the black areas. In addition to higher taxes

^{1/} Banks, Arthur S., and others. Political handbook of the world: 1977. New York, McGraw-Hill Book Co., 1977. p. 349.

^{2/} South Africa fact sheet. New York, the Africa Fund, 1977. p. 3 (Southern Africa Perspectives #6/77); United Nations. Department of Political and Security Council Affairs. Centre Against Apartheid. Basic facts on the Republic of South Africa and the policy of apartheid, by Julian R. Friedman. April 1977, no. 8/77. p. 35; Challenging the great white state. Time, v. 109, February 7, 1977: 46.

black parents must pay for textbooks, uniforms, and school fees.^{1/}

White and colored students, on the other hand, are provided with free textbooks. Some government attempts have been made since 1974 to provide free textbooks to black students but provisions are still inadequate, as is provision of school library books.

A number of other obstacles prevent blacks from attaining an education equivalent to that received by whites. First, the mother tongue is used for instruction in the primary schools, while secondary schools and universities use English or Afrikaans as the language of instruction. This obstacle alone produces large numbers of black dropouts between the primary and secondary levels.^{2/} Second, there is a shortage of qualified teachers in black schools. Third, teachers are overworked because of overcrowding. Classes are conducted in shifts with a student-teacher ratio of 50 to 60 students to one teacher in each shift, while the student-teacher ratio for whites is 20 to 1. Fourth, facilities such as lab equipment, science libraries and language labs, all of which are available in white schools, are generally not available in black schools.^{3/} Finally, the three black universities are inadequate to that community's needs. Most

^{1/} Op. cit., United Nations. A crime against humanity..., p. 22; Zungu, Yeyedwa. The education for Africans in South Africa. *Journal of Negro Education*, v. 46, summer 1977: 214-215; *Children of Soweto*. Objective: Justice, v. 9, no. 2, summer 1977: 20.

^{2/} Ibid., *Children of Soweto*, p. 20; Ibid., Zungu, Yeyedwa, p. 211; op. cit., Kaplan, Irving, p. 244.

^{3/} Ibid., *Children of Soweto*, p. 19; op. cit., *Challenging the great white state*, p. 46; United Nations Educational, Scientific and Cultural Organization. The effects of apartheid on education, science, culture, and information in South Africa. March 1967. p. 10-11.

that community's needs. Most blacks are enrolled in correspondence courses either because of limited space or because the fields of study offered at the schools available to them are limited. ^{1/}

Catholic Schools began admitting non-white students in November 1976 and increased non-white admissions in January 1977. The government officially objected but was reluctant to challenge the Catholic Church. The parents of white students voiced no objections to the desegregation procedure. In March 1977 the government announced that it would take no action against the Catholic schools if they would admit no more black students during the year and agreed to study the matter of "open schools."

C. Labor

The wage gap between blacks and whites is very large and the cash gap continues to widen though the ratio of average white earnings to that of blacks has been reduced in recent years. ^{2/} White workers are paid 5 to 20 times more than blacks, and in general terms whites, who comprise 16 percent of the workforce, earn 67 percent of the income, while blacks, comprising 71 percent of the workforce, earn 23 percent of the income. ^{3/} Large numbers of blacks are paid wages below the Poverty Datum Line (PDL) also known as the

^{1/} Ibid., Children of Soweto, pp. 19-20; Ibid., Zungu, Yeyedwa, pp. 215-216; Op. cit., United Nations. A crime against humanity..., pp. 22-23.

^{2/} International Labor Office. Thirteenth special report of the Director-General on the application of the Declaration Concerning the Policy of Apartheid of the Republic of South Africa. Geneva, 1977. p. 17. (Report to the 63rd Session of the International Labor Conference, 1977).

^{3/} Op. cit., South Africa fact sheet, p. 2 (figures quoted from Financial Mail, April 15, 1977).

Household Subsistence Level (HSL). These terms measure the cost of basic necessities for a black family of six. The measure is based on food, fuel, clothing, cleaning materials, transport and housing costs per month.

Excluded are taxes, medical care, education and savings. The April 1977 HSL for an urban black family was calculated at \$150 a month but the average black pay at that time was \$94.30 in the retail trade and \$162.15 in manufacturing. In 1975 when the HSL was \$127.65 a study showed that 63.5 percent of black households had monthly incomes less than \$92. ^{1/}

Many view the extremely low economic level of blacks as a major factor in the eruption of the 1976 and 1977 demonstrations in Soweto and elsewhere in the country. ^{2/} In December 1977 the government modified some labor practices which had excluded blacks from certain jobs, reserving them for whites. However, limitations remain on supervisory and skilled positions in key industries such as mining. ^{3/}

Unemployment figures for 1976 were .3 percent for whites and an estimated 20 percent for blacks. ^{4/} For blacks who have jobs it is difficult to protest working and wage conditions because although black unions exist, they are not allowed to bargain collectively with management nor in most cases

1/ Ibid., p. 3 (figures quoted from Financial Mail, November 19, 1976); United Nations. Department of Political and Security Council Affairs. Centre Against Apartheid. The depressed state of the African population under apartheid in the Republic of South Africa, by Diana Ellis and Julian R. Friedman. December 1976, no. 24/76. p. 43.

2/ ILO. Thirteenth special report..., pp. 18-19.

3/ Washington Post, December 15, 1977: A22.

4/ Op. cit., ILO. Thirteenth special report..., p. 13.

are they allowed to strike. Only registered unions are permitted to take such actions, but blacks may not join those unions. In 1973 legislation was passed which granted the right to strike to black workers but the conditions under which this is permitted are so restrictive that legal strikes are virtually impossible. ^{1/} Consequently, there have been a number of illegal strikes in recent years accompanied by police interventions resulting in dismissals, large numbers of arrests and convictions of union ^{2/} leaders.

D. Health

South African whites are said to have the best health care in the world while South African blacks are said to have the lowest quality health care among African states. ^{3/} Although statistics for blacks are difficult to obtain, the available information indicates that blacks have high rates of preventable diseases, especially tuberculosis and diseases associated with malnutrition. Eighty percent of the school-age children from black house-

^{1/} Op. cit., Kaplan, Irving, p. 609; op. cit., United Nations. A crime against humanity..., p. 17; United Nations. Department of Political and Security Council Affairs. Centre Against Apartheid. Trade unions and the struggle for liberation in South Africa, by John Gaetsewe, General Secretary of the South African Congress of Trade Unions (SACTU). June 1977, no. 15/77, p. 5; op. cit., United Nations...Centre Against Apartheid...no. 24/76, p. 39.

^{2/} Op. cit., ILO. Thirteenth special report..., p. 6-8; International Labor Office. Eleventh special report of the Director-General on the application of the Declaration Concerning the Policy of Apartheid of the Republic of South Africa. Geneva, 1977. p. 24-26; Suppression of human rights in southern Africa: Conclusions and recommendations of the Ad Hoc Working Group of Experts of the United Nations Commission on Human Rights. Objective: Justice, v. 9, no. 1, spring 1977: 4.

^{3/} Op. cit., United Nations...Centre Against Apartheid...no. 24/76, p. 31; United Nations. Department of Political and Security Council Affairs. Centre Against Apartheid. Implications of Apartheid on health and health services in South Africa, by a group of black doctors in South Africa. June 1977, no. 18/77. p. 7-12.

holds in Pretoria are said to suffer from malnutrition or undernutrition. The infant mortality rate in 1974 was 18.4 deaths per thousand births for whites, 115.5 for coloreds, and figures for blacks were reported in 1973 as between 200 and 400 deaths per thousand births. ^{2/} Whites live longer than non-whites because they have a better diet and easier access to medical care and generally higher standards of living. For non-whites inadequate nutrition results from lower incomes. South African government studies showed that the average black diet was too high in carbohydrates and deficient in protein, vitamins and fats. ^{3/}

Medical care for non-whites in the segregated health system is severely limited. Separate hospitals are maintained for each racial group; public health service facilities for blacks are inadequately staffed and overcrowded. There are 10 hospital beds available for every 100 whites and 5.57 beds for every 1000 non-whites. The gap between blacks and whites is even greater with respect to physicians. There is one doctor for every 400 whites but only one doctor for every 40,000 blacks. ^{4/}

^{1/} Op. cit., United Nations...Centre Against Apartheid...no. 24/76, p. 31; Prepared statement by Professor Leonard Thompson, Yale University. In U.S. Congress. Senate. Committee on Foreign Relations. Subcommittee on African Affairs. South Africa. Hearings, 94th Cong., 2d Sess. September 8-9, 16-17, 22-23, 29-30, 1976. Washington, U.S. Govt. Print. Off., 1977. pp. 135-136.

^{2/} Op. cit., United Nations. A crime against humanity..., p. 21; South Africa fact sheet, p. 4.

^{3/} Ibid., South Africa fact sheet; Kaplan, Irving, pp. 215-216.

^{4/} A Survey of Race Relations in South Africa, 1973, p. 352. In United Nations...Centre Against Apartheid. ...no. 18/77. p. 11; Op. cit., Kaplan, Irving, pp. 222, 224-225.

E. Housing

Housing for blacks is extremely poor. Usually there is more than one family to a house and housing shortages in the townships create long waiting lists for urban houses. The housing shortages combined with the huge influx of workers from the rural areas results in large shantytowns where the make-shift shelters are built of corrugated iron, wood and plastic. ^{1/}

Persons in urban areas who are considered "non-productive" by the government are sent to the homelands and are settled in "resettlement townships." Non-productive persons include the aged and infirm, widows, unemployed men, unmarried mothers and any blacks deemed "undesirable" by the government. The living conditions in these camps are extremely poor and the people there are without any means of making a living. Child mortality in the camps is so high that a prominent feature there is graveyards full of tiny graves. ^{2/}

In August 1977 the Modderdam squatter camp outside Cape Town was demolished in the face of white protesters' attempts to halt the demolitions. The government's position was that the women living in the area had been offered train tickets to the homelands and the men had been offered dormitory space, but both groups had refused to leave. Reluctance to move apparently resulted from the fact that to do so would entail the break-up of families. ^{3/}

^{1/} Op. cit., Children of Soweto, pp. 19-20.

^{2/} The conditions in the resettlement camps have been documented by Father Cosmas Desmond in "The discarded people." London, Penguin, 1972. Op. cit., Rogers, Barbara, pp. 35-36; Minter, William. South Africa's bantustans and their leaders: What role in the South African crisis? Southern Africa, v. 9, October 1976: 3-8.

^{3/} Op. cit., Silk, Andrew, p. 298; U.S. Congress. House. Committee on International Relations. Chronologies of major developments in selected areas of international relations. January-November 1977. 95th Congress, 1st Session. Washington, U.S. Govt. Print. Off., 1977. p. 114. (Committee Print)

IV. Civil and political liberties

A. Freedom to express opinion (speech, press, and assembly)

On October 19, 1977, the South African government took several actions against a number of black and white anti-apartheid dissidents and organizations. Eighteen black organizations and one white organization, the Southern Africa Christian Institute, were banned. Large numbers of black dissidents, many leaders of the banned black organizations, were held in detention. Among them were Percy Qoboza, editor of the leading black newspaper, The World, and several members of the Soweto Committee of Ten, a group seeking self-government for Soweto. Several dissidents were banned, among them Donald Woods, a white newspaper editor well-known for his criticism of the government's policies. In December Woods fled to Lesotho with plans to settle either in Britain or the United States.

The South Africa government and some observers claim that South Africa has the freest press on the African continent. However, Parliament attempted early in 1977 to pass a bill that would create a restrictive press code. In March the government offered to drop the bill and said the newspaper industry would be allowed one year to demonstrate self-censorship under a voluntary press code. In October some of the most vocal anti-government papers were affected either by bannings or detention as mentioned above. Even conservative Afrikaaner editors have criticized the government's actions.

Critics of the government charge that newspapers existing before the October bannings were neither legitimate opposition press nor truly representative of the views of the non-white population. These critics, observed,

for example, that the "black" newspaper, The World, although it employed black journalists and probably gave wider coverage of events than its "white" counterparts, was owned and controlled by the conservative Argus company, ^{1/} which owns a number of "white" newspapers.

A report by P.E.N. American Center in October, 1977 listed 12 journalists and writers as having been banned and 21 as imprisoned in South Africa. The list covered an approximate 10-year period through 1977. The report indicated that the list was not complete because of the difficulty of obtaining information on the current situation.

B. Freedom of movement

There was a limited attempt by the South African government to modify the pass laws during 1977. In November an agreement was made with the Bantustan leaders to replace passbooks now issued by the South African government with travel and identity documents issued by the homeland authorities. In addition, South Africa agreed that blacks working in white areas could bring their wives and families with them if they had adequate housing.

C. Government participation

South Africa continued its Bantustan policy with the granting of independence to Bophuthatswana on December 5, 1977. However, the action was bitterly opposed by two-thirds of Bophuthatswana citizens in the

^{1/} Why Vorster used his big stick. Africa, no. 76, December 1977: 58; Newspaper bannings cause controversy. To the Point International, November 7, 1977: 23.

white areas, ^{1/} and the new government was plagued with student protests and the existence of parties in opposition to independence. These parties were formed even before independence. ^{2/} Only 12 percent of the eligible voters participated in the August elections held to elect members of the Legislative Assembly. ^{3/}

During June 1977 there was a move within the ruling National Party to create a Swiss-style canton political system for South Africa. The plan would enable whites, coloreds and Indians self-government in their local affairs and equal representation in an institution controlling national affairs. It was suggested that there would be a possible role for blacks living outside the homelands although the homelands would remain intact.

V. Present U.S. Policy

A. Executive policy and 1977 action

During 1977 the Carter Administration continued the previous administration's opposition to the South African Bantustans or homelands policy. In addition, the Administration continued refusing recognition of the Transkei or any other homelands scheduled for independence. In his speech before the NAACP convention in July 1977 Secretary of State Vance explained his reasons for opposition to the separate homelands policy.

^{1/} Bophuthatswana: A fraud, Transkei style. Africa, no. 73, September 1977: 47.

^{2/} Washington Post, August 10, 1977: A1, A13; Africa new special: Bophuthatswana. Africa news, December 12, 1977: 9-10.

^{3/} Op. cit., Bophuthatswana: A fraud, Transkei style, p. 47.

He said that the policy was "devised without reference to the wishes of the blacks themselves" and that it was not a "fair or viable solution to South Africa's problems." He added that "the continued denial of racial justice...encourages the possibility of outside intervention." ^{1/}

The United States has observed a unilateral arms embargo since 1963 and since 1967 U.S. naval vessels have not called at South African ports except during emergencies. On November 4, 1977 the United States voted in favor of a United Nations Security Council resolution which imposed a mandatory arms embargo on South Africa, although on October 31 the United States had vetoed an African-sponsored resolution in the Security Council calling for economic sanctions against that country. On October 27 when President Carter announced that the United States would support the imposition of the U.N. arms embargo he announced at the same time that the United States would prohibit the sale of "gray area" items to South Africa. These are items which can be converted to military use. They include executive aircraft, spare parts for weapons and C-130 transport planes, and light aircraft computers. In addition, the President said the United States would withdraw the naval and commercial attaches from the U.S. Embassy in South Africa, and his Administration ^{2/} would launch a full review of U.S.-South African relations.

^{1/} Sussman, Leonard R. South Africa: From baaskap to pluralism. Freedom at issue, no. 42, September-October, 1977: 7.

^{2/} According to the South Africa desk in the State Department the U.S. naval attache was withdrawn in November 1977 and the commercial attache left South Africa at the end of his tour of duty in December 1977 and was not replaced as of April 1978.

The Carter Administration has continued the past policy of neither encouraging nor discouraging U.S. investment in South Africa. Potential investors are informed of the controversy concerning investment in South Africa and are urged to give priority attention to fair employment practices if they do invest. The Carter Administration is reported to be currently reviewing this policy. ^{1/} The United States has also actively encouraged and supported efforts of American firms operating in South Africa to upgrade the pay, working conditions, job opportunities, and fringe benefits of their black employees. ^{2/}

In May 1977 after talks with South African Prime Minister Vorster in Vienna, Vice President Mondale warned South Africa that its policy of separate development must be dropped and replaced by "full participation" by all races in the South African government. When pressed, Mondale equated his term "full participation" with the principle of "one-man, one-vote." He said that if South Africa did not make such changes, the United States would be forced to take diplomatic steps against it. ^{3/}

In an expression of U.S. anti-apartheid sympathies U.S. Ambassador to the United Nations Andrew Young attended the U.N.-sponsored World Conference for Action Against Apartheid held in Lagos, Nigeria in

^{1/} Schaufele, William E., Jr. U.S. relations in southern Africa. In *Annals of the American Academy of Political and Social Science. Africa in transition*. Philadelphia, 1977. p. 118.

^{2/} U.S. Department of State. Background notes: South Africa. Washington, U.S. Govt. Print. Off., June 1977. p. 8.

^{3/} Washington Post, May 21, 1977: A1, A7; Op. cit., Sussman, Leonard R., p. 7.

August 1977. U.S. executive branch responses to the death of South African black leader Steven Biko included: (1) recall of the U.S. Ambassador to South Africa, William Bowdler, for consultations in Washington during October 1977 (Bowdler returned to Pretoria in November); and (2) denunciation of the South African court's verdict at the inquest into Biko's death.

Reacting to the South African crackdown on dissidents on October 19, 1977, the Administration on the same day cautioned South Africa that it was "deeply disturbed" about South Africa's attempts "to stifle the freedom of expression" for black organizations and journalists. The Administration also warned that such actions could damage future U.S.-South African relations.

B. Congressional action, 1977

The Congress responded both to the death of Steven Biko and the crackdown against dissidents in two concurrent resolutions (H. Con. Res. 388 and S. Con. Res. 60) which expressed "deep concern" for Biko's death while in detention, and denounced the South African government for its "repressive measures against black and white opponents of its apartheid policy...." The Black Caucus proposed that the United States: recall the U.S. Ambassador to South Africa for consultation; downgrade the status of the U.S. Embassy in South Africa; withdraw commercial, defense and agricultural attaches; deny tax credits and loan guarantees to U.S. firms doing business in South Africa; and support U.N. economic sanctions against South Africa.

Finally, the Subcommittee on Africa of the House International Relations Committee held hearings in July on U.S.-South Africa relations. Issues discussed included nuclear cooperation and arms embargo implementation.

SOVIET UNION*

A. Introduction

1. Sources and Problems of Access to Information

The human rights situation in the Soviet Union and other Communist countries has been a subject of considerable Western attention, particularly since the signing of the Final Act of the Conference on Security and Cooperation in Europe in 1975. A number of public and private organizations in the West monitor the status of human rights in the Soviet Union. These, together with dissident groups within the Soviet Union, provide valuable sources of detailed information. Despite this abundance of documentation on human rights violations, the total picture on Soviet human rights conditions remains cloudy due to official Soviet secrecy on many aspects of the problem.

2. Background

The Soviet system of firm, one-party Communist rule has not allowed the development of individual freedom or civil and political rights similar to these enjoyed in Western democracies. Since its founding, the Soviet state has relied heavily on coercion to carry out its policies and to maintain control over a diverse population. The brutal Stalinist repression of the population under which entire sectors of the population were liquidated has

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been replaced by more subtle methods of control. However, the Soviet leadership, despite formal guarantees of human rights, has continued to act on the assumptions that (a) the needs of society take precedence over the rights of the individual and (b) social and economic rights are more significant than political rights.

Since the 1960s the Soviet Union has been faced with a vocal dissident movement made up of national minority, religious, and political rights advocates. The movement was given new life by the signing of the Helsinki accords in which the Soviet Union and 34 other nations agreed to respect the basic human rights of their citizens. Several unofficial groups emerged within different parts of the country to monitor the Soviet record of compliance with the accords. These groups issued reports claiming that the Soviet Union had not appreciably changed its human rights policy to comply with the Helsinki accords. The Soviet government responded by cracking down on the self-styled monitors as well as other dissidents in advance of the 1977 Belgrade Meeting to review the results of the Helsinki Conference. By the time the Belgrade Meeting convened in October, the Soviet government had silenced most of its domestic critics by exiling some leading dissidents and arresting others.

Without returning to the brutal methods of repression of earlier years, the Soviet Union in 1977 continued to maintain tight control over its citizenry, showing little toleration for individual freedom of expression. At the same time, the government appeared to be making better provision for the basic economic and social needs of the society at large.

B. The Human Rights Situation in the Soviet Union by Specific Criteria

1. Integrity of Person

The Soviet government has a mixed record in its practice regarding the integrity of the person. In terms of respect for the right to life and security of person there has been improvement in the situation in the Soviet Union since the period of Stalin's rule. There have been no recent reports of assassinations of Soviet citizens. Nor have disappearances of Soviet dissidents or perceived enemies of the government, such as were common in the Stalin era, been reported in recent years. Reprisals by Soviet authorities against individual dissidents now generally appear to be carried out more openly.

The recent Soviet record regarding freedom from torture or cruel and inhumane punishment seems less positive. The most serious violation of this right (as enunciated in Article 5 of the Universal Declaration on Human Rights) is the continuing Soviet practice of placing key dissidents in mental institutions and psychiatric hospitals, although they have no history of mental illness. According to Amnesty International, Soviet dissident sources have documented some 200 cases of politically motivated confinements to psychiatric hospitals. Those incarcerated in the worst of such institutions are reportedly subjected to frequent beatings and potentially dangerous drug treatments, although many prisoners of conscience are placed in ordinary mental hospitals where conditions are less severe. ^{1/}

^{1/} Amnesty International Report 1977. London, 1977, p. 276-285.

Conditions are also reported to be extremely harsh in the Soviet Union's maximum security prisons and labor camps. Prisoners in these institutions are provided an inadequate diet, subjected to severe punishment, and given inadequate medical care. Conditions in other institutions are not as harsh. The death penalty is invoked rarely in the Soviet Union and then generally in criminal cases involving conviction of murder or other serious offenses. Amnesty International reports no executions for clearly political offenses in recent years. ^{1/}

Cases of physical assaults against dissidents have been reported. The circumstances of some allegedly "spontaneous attacks" have raised suspicions that they were staged by authorities. While there are no substantiated figures on the number of torture cases in the Soviet Union, the evidence seems to indicate that torture and inhumane treatment are used only selectively.

The Soviet Union generally charges and tries detained citizens, except in the cases of those placed in psychiatric institutions. Amnesty International reports that prisoners are usually not held beyond the term of their sentence unless new charges are brought against them while they are confined. Evidence in a number of cases, however, suggests that charges in some cases may be trumped up and that citizens do not always

^{1/} Ibid., p. 284.

receive a fair and public hearing. Some leading Soviet dissidents have been charged with criminal activities such as hooliganism, accepting bribes (when they have received outside financial support), anti-Soviet agitation, and slander against the Soviet Union. The most serious charges of recent years were brought against human rights activist Anatoly Shcharansky who was arrested in March 1977 and charged in June 1977 with espionage and treason. If convicted he faces a minimum 10-year prison term and can be sentenced to death. Amnesty International reports that in the majority of cases Soviet government measures against dissidents stop short of criminal prosecution.^{1/}

2. Fulfillment of Basic Human Needs

On the subject of human rights, Soviet spokesmen stress their country's record in the social and economic sphere where Soviet achievements compare favorably with many of the world's countries. The Soviet population at large enjoys an adequate and improving standard of living that meets basic requirements for food, clothing, housing, medical care, and social services. The country suffers from periodic shortages in various food and clothing items but such shortages appear to provide more of an irritant to consumers than any real danger to their physical well-being.

^{1/} Ibid., p. 280.

Housing in the Soviet Union, especially in the large cities, is still cramped by West European and North American standards but the basic need for shelter is met. The Soviet Union is committing considerable resources to new housing construction.

The Soviet Union takes considerable pride in its system of medical services. The country's number of doctors per capita (31 per 10,000 population in 1973) is among the highest in the world. ^{1/} While reports indicate that the quality of medical care varies from region to region and that graduates with only intermediate medical training are classified as doctors, the Soviet Union appears to have a good record in the field of medical care.

The Soviet government considers the right to work one of the fundamental human rights. Employment is formally guaranteed for every Soviet citizen. In practice, this guarantee appears to be violated only in the case of certain dissidents and would-be emigrants who are deprived of their jobs and barred from taking new positions. The country also has an extensive system of disability and old age pensions, available to the entire population.

The Soviet Union scores high in the care and protection of children, whether born in or out of wedlock. The Soviet infant mortality rate of

^{1/} Bush, Keith. Soviet Living Standards: Some Salient Data. Radio Liberty Research Supplement, March 7, 1975, p. 13.

28 per 1,000 live births is low by world standards. ^{1/} The government provides special health care for mothers and infants through special clinical centers. Children up to 16 years of age are served by these facilities.

The Soviet government has established an advanced educational system. Schooling is free and it is compulsory through elementary school. Some 95 percent of elementary and secondary school age children are enrolled. The Soviet literacy rate has been raised to over 99 percent. The Overseas Development Council estimates per capita spending on public education at \$172 in 1973. There are some 4,000 technical schools and 770 institutions of higher learning in the Soviet Union. In 1970 there were over four million students enrolled in these institutions, many of them providing specialized technical and professional training. Access to higher education has been democratized and is generally based on merit. But in placing students in different types of schools, the needs of the state are emphasized over the desires of the individual.

The Overseas Development Council gives the Soviet Union a physical quality of life index rating of 94 ranking it 22nd in the world. The PQLI is the composite of life expectancy, infant mortality and literacy figures. The country's per capita GNP (\$2,600 in 1974) ranks 29th in the world. ^{2/}

^{1/} Overseas Development Council. The United States and World Development Agenda in 1977. New York, Praeger, 1977, p. 171.

^{2/} Ibid., p. 170.

3. Civil and Political Liberties

a. Information

In terms of civil and political liberties, the Soviet Union is ranked low by Freedom House and other sources. Freedom of opinion and expression is limited by formal restrictions against dissemination of information "known to be false and harmful to the state", as well as "anti-Soviet agitation", both of which appear to be given broad interpretations in practice. Soviet citizens are liable for punishment for disseminating unorthodox ideas and information internally or abroad. Soviet authorities actively seek to keep western ideas and information from penetrating the country. The few copies of non-Communist western newspapers and journals allowed into the Soviet Union are not made available to the general public either through newsstands or public libraries. The Soviet Union continues to jam western broadcasts to the country and has recently escalated its public campaign aimed at discouraging citizens from listening to foreign broadcasts.

Western journalists stationed in the Soviet Union face difficult working conditions. Their freedom of movement within the Soviet Union and in and out of the country is still limited, although travel restrictions were modified in March 1976 as a gesture of compliance with the Helsinki accords. The Soviet government has not interfered recently in the transmittal of materials from western correspondents to their home office. On the other hand, access to official Soviet sources is still circumscribed. Access to

unofficial news sources is hindered through harassment of the would be sources, active surveillance, and sometimes actual physical intervention by authorities. Also, journalists who probe for news too intensively risk expulsion from the country or government harassment. In one case, recently, Los Angeles Times correspondent Robert Toth was detained and interrogated at length by the secret police (KGB) after being charged with receiving classified documents. ^{1/}

All Soviet media, newspapers, journals, and publishing houses are directly or indirectly under government control and all materials broadcast or published are subject to government censorship. Aside from the underground "Samizdat" press there exists no public voice of opposition in the country.

b. Movement

The Soviet Union maintains strict control on individual movement within the country and across its borders. Internal movement is restricted by an internal passport system. In earlier years, the Stalinist regime used the forced migration of large numbers of people including entire national minority groups as an instrument of control. This practice has stopped but people are still assigned to different parts of the country on the basis of

^{1/} U.S. Commission on Security and Cooperation in Europe. Implementation of the Final Act of the Conference on Security and Cooperation in Europe: Findings and Recommendations Two Years after Helsinki. Washington, U.S. Govt. Print. Off., 1977. pp. 140-142.

government need. Banishment or exile to remote parts of the country remains a common form of punishment. Conviction of a criminal offense often leads to a specified prison sentence coupled with exile for a given period after the sentence has been served.

The Soviet government restricts foreign travel by its citizens, even to East European Communist countries. Travel to the west is allowed only for the privileged few. In 1975, 2.5 million Soviet citizens travelled abroad. Of this figure, over 1.5 million visited other Communist countries and less than one million visited all other countries. ^{1/} Soviet policy on emigration seems to be even more restrictive. It is not known how many Soviet citizens would leave the country if they had the opportunity but the figure is believed to be considerably higher than that of those actually applying for an exit visa. Many people are dissuaded from applying by the example of harassment, loss of jobs, and other reprisals against others who have applied to leave. Only ethnic Jews, Germans and Armenians have been granted permission to leave the Soviet Union in any significant numbers. In 1976, 14,000 Jews and 9,600 Germans were allowed to leave. The Jewish emigration figure was down sharply from the peak year 1973 when 35,000 were allowed to emigrate. The number of German emigrants rose. ^{2/} For other national groups, emigration is virtually impossible.

^{1/} Radio Liberty. The USSR's plans for tourism in 1976-1980. February 3, 1977, p. 2.

^{2/} Second Semiannual Report of the President to the Commission on Security and Cooperation in Europe. Washington, U.S. Govt. Print. Off., 1977. p. 25.

c. Participation in Government

The Communist Party and its subsidiary organizations are the focus of all political life in the Soviet Union. While membership in the Party is not mandatory, many career opportunities are not open to non-members. Similarly, active participation in party sponsored activities is not required but is a definite career asset. Elections are held frequently in the Soviet Union at the all-Union, Republic, and local levels. However, voters are given no real choice as they are asked to endorse a single slate of candidates put up by the Party. Considerable pressure is placed on citizens to take part in the voting. Those who do not participate are subjected to severe criticism. As a rule, both the turnouts at elections as well as the vote in favor of official candidates are reported at over 99 percent of eligible votes.

Real government decision-making is concentrated in the Central Committee and ultimately in the ruling Politburo of the Communist Party. The government organs, including the Supreme Soviet (parliament), exist to execute the will of the Party. Once a decision is adopted within these narrow Party confines, dissent is not tolerated. There are no legal channels for political opposition to Party policies.

C. U.S. Policy Response

1. Executive Branch Statements and Actions

President Carter viewed in his 1977 inaugural address that his human rights policy would be a major element of American foreign policy, and would be applied universally and not just toward the Soviet Union. This position was restated in subsequent speeches and press conferences. On January 27, 1977, the State Department issued a statement in support of Soviet dissident Andrei Sakharov. The statement -- not cleared in advance with the President -- was subsequently endorsed by him. In February, President Carter personally responded to a letter from Sakharov with a reaffirmation of his commitment to human rights. The Administration again spoke out to condemn the Soviet imprisonment of human rights activist Alexander Ginzburg. As a further demonstration of the U.S. commitment to human rights in the Soviet Union, President Carter and Vice President Walter Mondale met with exiled Soviet dissident Vladimir Bukovsky at the White House. The Soviet Union responded to these measures with sharp attacks on alleged U.S. interference in Soviet internal affairs. ^{1/}

As the atmosphere in U.S.-Soviet relations deteriorated, the Administration appeared to tone down somewhat its criticism of Soviet human rights

^{1/} Whelan, Joseph G. Human Rights in Soviet-American Relations. Washington, Congressional Research Service, Library of Congress, 1977. pp. 4-6. (CRS Issue Brief no. IB77031: updated regularly.)

policies. The President failed to respond to a second letter from Andrei Sakharov and did not meet with further dissidents. Yet the human rights issue returned to the fore with the opening of the Belgrade follow-up to the Conference on Security and Cooperation in Europe which began in October 1977. Former Supreme Court Justice Arthur Goldberg was appointed to head the U.S. delegation at the 35 nation conference and the Administration pledged to press for a complete accounting of the human rights records of the participating countries in view of the commitments that they had undertaken in the Helsinki Final Act. Meanwhile, seminannual reports of the President to the joint Congressional-Executive Branch Commission on Security and Cooperation in Europe, issued in June and December of 1977, were critical of the Soviet Union and other Communist countries for their human rights record. They have replied in kind. As the year 1977 ended, human rights remained a major issue in U.S.-Soviet relations.

2. Congressional Actions

In December 1973, the U.S. Congress passed legislation making Soviet human rights policy a factor determining U.S. policy toward that country. The Jackson-Vanik amendment to the Trade Act of 1974 barred any Communist nation that restricted emigration by its citizens from receiving U.S. most-favored-nation treatment (unless the country already had MFN when the legislation was passed). The Soviet Union responded by declaring that it would

not put into effect the bilateral trade agreement negotiated in 1972. (The accord called for reciprocal provision of MFN status.) The trade-emigration impasse in Soviet-American relations continued through 1977.

The Congress also demonstrated its concern for human rights in the Soviet Union by inviting exiled Soviet dissident Alexander Solzhenitsyn to address a Congressional reception in 1975. Major Congressional delegations that visited the Soviet Union that same year brought up the human rights question with Soviet leaders and met with dissidents and individuals who had been denied Soviet exit visas. In 1976 the Subcommittee on International Organizations of the House Committee on International Relations held hearings on the abuse of psychiatry in the Soviet Union. The same subcommittee held hearings on anti-Semitism and barriers to Jewish emigration in the Soviet Union. In August 1976, a petition signed by 89 Members appealed to Soviet leader Brezhnev on behalf of Soviet Jewry. Both houses of Congress passed a resolution condemning religious persecution in the Soviet Union. ^{1/}

In May 1976, Congress established a joint Executive-Legislative Commission to monitor the implementation of the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki in 1975. The Commission became a focal point of Congressional attention to human rights in the Soviet

^{1/} See Congress and Foreign Policy, 1976 and 1977.

Union and other Communist countries. It held hearings and issued a critical report in August 1977 on the record of the Soviet Union and other countries in implementing the Helsinki accords (see footnote, p. 9). The U.S. delegation to the Belgrade review conference which began on October 4, 1977 included Congressional members of the Commission. A number of Congressional resolutions were introduced in defense of individual Soviet human rights advocates and of groups suffering persecution in the Soviet Union.

HUMAN RIGHTS CONDITIONS IN THAILAND*

A. Introduction

A number of government and non-government sources provide information on human rights conditions in Thailand. One major source is a number of newspapers and periodicals which often have correspondents in that country. Prominent among these are the Far Eastern Economic Review, Asian Wall Street Journal, New York Times, and the Washington Post. The Thai government and Thai press also provide information, mainly on government policy. Amnesty International has reported on political prisoners in Thailand. Within the U. S. government, information is available from the State Department. Also, the House Subcommittee on International Organizations held hearings on human rights in Thailand in June 1977. In short, the literature on the subject is extensive.

Correspondents and other interested individuals have considerable freedom of movement and access to information sources in the Bangkok area although access to prison facilities is limited. They have less access to areas outside Bangkok for reasons of geography, communist insurgency in certain regions, and government restrictions on travel to regions where the insurgency is active.

Thailand has an area of 209,000 square miles and a population of over 42 million (1975 est.). Bangkok, the capital, has a population of nearly 2 million and dominates the country both politically and economically. The country has been a constitutional monarchy since 1933. It is predominantly Bhuddist. Since an absolute monarchy was overthrown in 1933,

* Prepared by Larry A. Niksch, Specialist in Asian Affairs

government has alternated between civilian, relatively democratic, governments and military-dominated governments of a more authoritarian nature. The monarchy, while holding no actual governmental powers, is highly esteemed by nearly all classes of society; therefore the Thai king is capable of wielding important behind-the-scenes political influence.

Several factors influence the human rights situation today. First is the continuing role of the military in politics. Second is the communist insurgency (8,000 to 10,000 guerrillas) in several sections of the country, which is aided by the communist states of Indochina. Third are the two major coups of October 1973 and October 1976. The first, led by students, overthrew the military-dominated government which had been in power for 25 years. There ensued a three year period of democratic, parliamentary government in which political participation by students, workers, and peasants grew to new heights. The second coup, led by the armed forces, overthrew the parliamentary regime and was followed by a military-installed government of civilians under Prime Minister Thanin Kraivichien, which lasted for one year and ruled under martial law conditions. In October 1977, the military replaced this government with a government under the commander of the armed forces, General Kriangsak Chamanand, who is now the Prime Minister.

B. Current Situation

1. Integrity of Person

Since 1976, the last year of parliamentary government in Thailand, there have been substantial violations of personal integrity and security from both government and non-government sources. During the nine months prior to the October 1976 military takeover, Thai administrations were increasingly unable to control the spread of political violence (bombings and assassinations) directed mainly by rightist political organizations against leftist political parties and groups. During the campaign for parliamentary elections in April 1976, over 30 people were killed in a wave of shootings and bombings. The coup itself was sparked by massive violence on October 6, 1976, at Thammasat University between leftist students who had been demonstrating and rightist students and organizations who attempted to break up the demonstrations. The rightist organizations were backed by police and units of the Thai Border Patrol Police and were encouraged by certain factions within the Thai military. Some leftist student leaders reportedly had contacts with the Soviet Embassy in Bangkok, and a small minority of students were believed to have links with the clandestine Communist Party of Thailand. Officially, 41 persons were killed and over 100 were wounded in the fighting.

The October 1976 coup leaders, organized into a National Administrative Reform Council (NARC), suspended many political and civil rights guaranteed

under the 1974 constitution and put a new constitution into effect. The new constitution did not specify the rights of Thai citizens, including legal rights in relation to arrest and prosecution. Moreover, NARC Order 22 allowed for detention without trial of nine categories of offenders. On November 17, 1976, the Acting General of Police stated that 4,029 persons had been arrested under Order 22. Moreover a number of individuals and groups have charged that the government arrested large numbers of people in the following months, especially in the rural areas.

However, for the majority of those arrested, the period of incarceration apparently was short-lived. Order 22 provided for the review of all cases every two months with the option of release. Of the some 3,000 students (3,221 according to the State Department) arrested at Thammasat University on October 6, more than 2,500 were released on bail within a few weeks, according to Thai officials. That figure rose to 2,900 by early 1977; and by mid-1977 all but 23 had been released or were free on bail. On June 30, 1977, Deputy Assistant Secretary of State Robert Oakley stated that there were 1,000 persons in detention, most of them "petty criminals." Other estimates went as high as 2,000. A Thai human rights group, "Coordinating Group for Religion and Society," estimated in May 1977 that the government had arrested about 8,000 under Order 22 and that 2,000 were still being detained. On July 7, 1977, the Deputy

Director of the Thai Corrections Department said there were 1,200 people remaining in prison. On July 18, the Director of the Corrections Department gave a figure of 1,034.

On November 4, the new Kriangsak government announced that over half of the current 2,000 detainees under Order 22 would be released immediately. The Deputy Director of the Corrections Department gave a different number of detainees -- 1,412 -- on November 7 and said that 525 would be released, leaving 887. He added that, at that time, 3,370 arrested under Order 22 had been released.

Government plans to prosecute detainees have been gradually scaled down to cover only 18 of the students arrested at Thammasat University. The Thanin government allowed the trial, which is before a military tribunal, to be open to the public; and the new Kriangsak government ruled that defense lawyers could participate in the court proceedings for this case and any future cases.

Reports of torture against political prisoners or allegations of inadequate diet and medical care have been much less frequent than similar allegations made in other Asian authoritarian systems such as the Philippines, Indonesia, and South Korea. In its 1977 annual report, Amnesty International did not mention torture or inadequate diet or medical care except for the charge of "police brutality" against students in the week following the violence at Thammasat University. There have

been few if any accounts of torture or inadequate care provided to the Western press by the several thousand released prisoners, in contrast to strong allegations made by released prisoners in South Korea and Indonesia. In May 1977, the Coordinating Group of Society and Religion released information on political detainees but said that it had no evidence of torture aside from overcrowding of jails and the use of leg irons. In testimony before the House International Organizations Subcommittee, non-U.S. government witnesses were generally critical of the Government of Thailand; but they did not allege torture or inadequate diet or medical care with the exception of exiled Thai intellectual, Dr. Puey Ungphakorn, who did cite specific instances. In a human rights report on Thailand, the Washington-based Center for International Policy also charged the use of torture against students in the aftermath of the Thammasat violence. In short, the available evidence suggests that incidents of torture and physical abuse have been quite limited except in the period immediately following the violence of October 6, 1976. Otherwise problem areas appear to be largely confined to bad sanitation and overcrowding, a general problem of Thai prisoners.

2. Basic Human Needs

Thailand's Physical Quality of Life Index, as calculated by the Overseas Development Council, is 70. Given its per capita GNP of \$310,

this is 11 points higher than the norm for Asian countries. Its ranking on this index is comparable to that of the Philippines (per capita GNP: \$330; PQLI: 73) and well above that of the Peoples Republic of China (per capita GNP: \$300; PQLI: 59). Among eleven countries world wide with per capita GNPs between \$275 and \$350, only Grenada and the Philippines have a higher PQLI than Thailand.

A number of natural factors have greatly contributed to Thailand's high PQLI. The country has not suffered from the pressures of food and population in a manner similar to its neighbors. Thus, until very recently, problems such as food shortages, rural tenancy, and rural unemployment were virtually non-existent. Thailand was able to export nearly 2 million tons of rice in 1976 out of a total crop of 15 million tons. Thailand's Central Plain is one of the most fertile rice producing areas in the world.

One may also credit the government for certain aspects of this situation. Adult literacy, for example, is 82 percent. Family planning programs have reduced the population growth rate from 3.1 percent in 1970 to 2.2 percent in 1976. Overall economic growth has averaged out at about 5 percent per annum in recent years with prospects for more rapid growth in the future. Per capita GNP grew at an average annual rate of 4.3 percent during the 1965-1974 period. Inflation was held well below 5 percent per annum in the 1960's and 1970's and in many years below 2 percent.

This all said, Thailand still suffers from severe economic problems with attendant effects on living standards and availability of needed services. The existence of these problems is illustrated by the fact that the PLQI increased eleven points from 55 to 66 during the 1950 to 1959 period, only three points from 66 to 69 during 1960-1969, and only one point in the first half of the 1970's. Fundamentally, the problems are: (1) the disparity in economic growth between Bangkok and the rural areas resulting in sharp differences between high living standards in Bangkok and the much poorer conditions among the rural inhabitants and (2) substantial variation between regions in terms of income, growth, and living standards. In addition to this--and partly as a result of it--pressure of people on the land has developed in the Central Plain, and tenancy and indebtedness problems have appeared.

Over 80 percent of Thailand's 43 million live in rural areas, and 72 percent of the labor force is in agriculture. In 1969, the average income in urban areas was roughly at least 2 1/2 times the average income in rural areas. In 1973, Gross Domestic Product (GDP) per worker in agriculture averaged \$230 compared with \$1,200 for workers in other occupations. Most observers believe the gap today is still substantial.

In 1970, regional differences for incomes for farm families were as follows: the Northeast averaged 28 percent of the Central Plain; the North averaged 53 percent of the Central Plain, and the South averaged

55 percent of the Central Plain.

Factors such as geography, soil conditions, and climate have influenced these urban-rural and regional differences; but Thai government policies since the end of World War II have often helped to perpetuate the disparities in economic growth and development with the inevitable effects on living standards. Especially important have been:

- (1) tax and export control policies designed to assure a plentiful supply of inexpensive rice in the cities but resulting in depressed prices paid to rice-producing farmers;
- (2) slow progress in irrigation and control of water resources for rice production;
- (3) the absence of effective policies to increase the availability of agricultural credit to farmers, resulting in a current flow of credit that satisfies only 15 percent of estimated rural demand.^{1/}
- (4) lower government investment in agriculture-related programs in the North, Northeast, and the South than in the Central Plain.

^{1/} Phelan, Brian, Well...Sell It to the Radio Station. Far Eastern Economic Review, October 17, 1975: 11.

For example, during the Third Five Year Plan (1971-76), government investment in the agricultural sector in the Northeast was only 50 percent of the total invested in the Central Plain.^{1/}

Recent governments in Thailand have become more aware of urban-rural and regional disparities and have developed policies to deal with the problem. Limited progress has been made in improving irrigation, water resources, and advanced agricultural technology. However, there has been little progress with regard to the tax-export control system and agricultural credit, due mainly to bureaucratic and political resistance and the political instability of the last five years.^{2/}

Prime Minister Kriangsak has emphasized that economic needs of farmers and rural dwellers is a main priority of his government. The government has announced plans to resume direct grants of money to villages for rural projects, which was initiated during the parliamentary period and terminated by the Thanin government. Kriangsak has also

^{1/} Nations, Richard. Drought Hits the Thai Trouble Zone. Far Eastern Economic Review, December 16, 1977: 93.

^{2/} Efforts to modify and/or eliminate the system of taxes and export controls on rice contributed to the downfall of both the military government in 1973 and Kukrit Pramoj's parliamentary coalition in early 1976.

announced emergency programs in response to severe drought conditions in the Northeast.

Thailand has made by far the most significant contribution to meeting the human needs of refugees from Indochina since the end of the Indochina War. At a time when most Asian countries and countries throughout the world are reluctant to accept large numbers of refugees, Thailand presently has 100,000. This represents a substantial strain on the Thai government and its financial resources, despite some assistance from the United Nations. Recently, the government has expressed reluctance to accept more refugees. Although the official policy of allowing refugees to enter is unchanged, local officials reportedly have turned some Vietnamese refugees away.

3. Civil and Political Liberties

The Thanin regime and the NARC placed a number of restrictions on political and civil liberties that had existed during the democratic, parliamentary period. The October 1976 constitution stated that "rights and freedoms" would be set aside under "provisions of the law." It listed no specific political or individual rights. Furthermore, it empowered the Prime Minister to "make any order or take any action" against any act subverting political stability, the monarchy, or the economy, or disturbing public order or "the good morals of the people." In the preamble, it set out a twelve year program for transition to

democracy, culminating in an elected parliament after eight years. Of the nine categories of offenses defined by Order 22, three were political in nature: instituting confusion or unrest, advocating political systems other than democracy under the King, and labor strikes.

Under the Thanin government, political parties were banned as were meetings of more than five people. The government placed the press under a seven point censorship code; and during its tenure, it closed down a number of newspapers for varying amounts of time for printing articles critical of government policies and officials. The government also banned and destroyed a considerable number of books and magazines considered subversive or pro-Communist.

In certain respects, the government showed restraint. None of the political leaders of the democratic period were arrested, and neither they nor other members of "leadership groups" (intellectuals, businessmen, labor leaders, etc.) were forced to give overt expressions of support and loyalty to the regime. Thanin employed Article 21 of the constitution in only six cases, five of which were clearly criminal in nature. The government did not interfere with the activities of the Coordinating Group for Religion and Society and individual lawyers who involved themselves with those under detention. Treatment of the press showed a small degree of flexibility; some implied criticism of the government was tolerated. The issue of human rights and the Carter Administration's

human rights policies were widely reported in the Thai press. Foreign publications were generally available in Bangkok. The regime placed no extraordinary restrictions on travel or emigration other than entry into designated areas of communist insurgency.

The Kriangsak government has initiated a measured liberalization of some restrictions, although most of the formal legal mechanisms of the Thanin period remain in place. The change is essentially one of tone. For example, political parties remain banned, but the government has allowed informal organizational activities by the parties. The interim constitution of November 9, 1977, provides for general elections in 1978. Kriangsak has pledged that the elections will be "free and fair." The interim constitution contains no list of political and civil liberties, and Article 27 contains language similar to Article 21 of the 1976 constitution. The ban on meetings and labor union activity remains in effect. However, Kriangsak has stated that he believes in collective bargaining. Censorship of the press has been substantially reduced but probably not eliminated; Kriangsak has personally told the press to act independently of the government. Order 22 is still in force.

C. U. S. Policy Response

The Nixon-Ford Administration showed little interest in Thai democracy during the parliamentary period and had no appreciable reaction to the coup of October 6, 1976. Major U. S. interest during this period centered

on the negotiations which ultimately led to the withdrawal of the remaining U.S. troops in 1976. On several occasions in 1977, officials of the Carter Administration voiced its general human rights policy to Thai officials and in public statements in Bangkok. In testimony before the House Subcommittee on International Organizations on June 30, 1977, Deputy Assistant Secretary of State Robert Oakley stated that the Administration had expressed the view to the Thai government that the state of emergency did not justify violations of human rights. Also, according to Oakley, the U.S. Embassy in Bangkok expressed concern to the government that student prisoners brought to trial be given a fair and open trial. In September 1977, U.S. Embassy officials attended the initial trial proceedings of 18 students charged with offenses committed during the Thammasat University incident.

Oakley suggested that there may have been some justification for the Thanin government's policies, and he emphasized the situation resulting from the U.S. troop withdrawal, the communist takeovers in Indochina, and the general breakdown of law and order in the last year of parliamentary government. Oakley also cited the attitude of Indochina refugees that Thailand represented freedom in contrast to conditions in the communist states of Indochina.

Patricia Derian, State Department Coordinator for Human Rights and Humanitarian Affairs, expressed general praise for the Kriangsak government during her visit to Bangkok in January 1978, citing the pledge of elections and the provision of defense lawyers to the 18 Thammasat students. However, she did note concern over the continuing restrictions on political and civil liberties.

Congress also showed no appreciable interest in U.S. policy toward the Thai democracy during the parliamentary period. There has been only mild congressional interest in the human rights situation since October 1976, and this was concentrated mainly in the hearings held by the House International Organizations Subcommittee in June 1977. Also, Representative Fortney Stark met with members of the Coordinating Committee for Religion and Society when he visited Bangkok in spring 1977.

UNITED STATES*

Introduction

A variety of sources are available for determining the status of human rights in the United States. The character of an "open society" makes possible the widest dissemination of information both from outside and from within the country, and there are few limits on public access to such data, including the right of individual citizens to request previously classified material concerning their lives from such agencies of Government as the Federal Bureau of Investigation as well as the release of hitherto confidential data regarding covert activities at home and abroad by such agencies. News and informational media enjoy broad freedom of expression, and there is considerable diversity of opinion and orientation.

Sources consulted include the January-February, 1977 "Freedom at Issue," a comparative survey prepared by Freedom House; data on the United States compiled by Amnesty International for 1977; Agenda 1977, published by the Overseas Development Council on "The United States and World Development;" Human Resources and Income Distribution, edited by B.R. Chiswick and J.A. O'Neill (Norton, 1977); the Brookings Institution Setting National Priorities: The 1978 Budget; and other selected materials.

Conditions generally in the United States during 1977 were conducive to the free flow of information and ideas, marked by renewed concern with human rights both in American society and in the world at large. Many interpreted the 48th quadrennial presidential election, in the aftermath of

* This section was prepared by Charles H. Whittier, Analyst in American National Government, Government Division.

the Bicentennial celebration and in the wake of post-Watergate reform, as marking "a mood of lowered expectations, but renewed self-confidence and cautious optimism" as well as consensus among interest groups (including organized ethnic minorities). One appraisal of the American scene, political and social, in 1977 is provided by Philip van Slyck:

There was balm for the long-troubled electorate in the fact that this election was no landslide, and therefore warranted no arrogance on the part of the victors and only modest expectations on the part of their supporters. In light of recent memories of charismatic and "imperial" presidencies, this was especially calming.

In short, the long national nightmare ended in 1976. The agenda of the people's unfinished business and postponed aspirations is probably longer and more specific than ever before in American history. But, correspondingly, at no previous time in our history has there been clearer public appreciation of the gap between resources and aspirations, and the need for moderation, compromise, and teamwork among all sectors of the society, in pursuit of the general welfare.

The spirit of renewal is abroad in the land, a cautious revival of that familiar vision of America as a continuing adventure, with promises to keep. There is general satisfaction that the institutions of American democracy have survived intact their recent assaults, and that both governmental and private leaderships have been put on notice. The people are in charge again, and expect to be consulted and heeded.

Others, less sanguine, have claimed to discern widespread apathy in areas previously invested with passion for social change. A policy of "benign neglect," it is asserted, has come into its own, reflected also in general concern with job security at a time of inflation and unemployment.

However, all agree that the United States has vigorously identified itself with human rights abroad. "The human rights keystone in U.S. foreign policy remains a politically brilliant and historically significant achievement," writes Richard Neuhaus. Some (Peter Berger, for example) have questioned whether that achievement has been marked at all times by prudence or by nuanced awareness of the distinction between familiar political forms, rightly cherished in the West, and cultural traditions, which may be very different (from the West) in their manner of securing those basic human rights which are not culturally derived. At the same time, there is the danger of what Walter Laqueur has called a "false symmetry," minimizing differences of severity and magnitude in the name of "evenhandedness" (cf., equating the aspirations of ethnic minorities in the United States for fuller participation in the societal mainstream with gross violations for basic rights in many more totalitarian nations).

At any rate, neither martial law nor a "state of emergency" were characteristic of the operations of American Government at any level. Even rioting in New York City following a power blackout did not result in drastic measures by public authority but only in extended media discussion of whether the looting should be seen as a symptom of poverty and unemployment or as a response to misdirected social and cultural attitudes (cf., the exchange in the New York Times between Herbert Gutman and Diane Ravitch).

In any case, the riots were widely regarded as unusual -- itself a significant measure of public life after the turbulence and mob violence of the 1960's and early '70's. Concern was expressed for the rights of alleged rioters, temporarily held in city jails until they could be tried.

Integrity of Person

The use of torture and politically inspired murders by the State or its agencies are unknown in the United States. Continuing investigation of the assassinations of President Kennedy, Dr. King, and Senator Robert Kennedy has failed thus far to disclose any credible evidence of conspiracy or involvement by any official body or agency, despite endless rumors. While assassination of political foes abroad appears to have been considered in some circles in the past, none have been uncovered to substantiate the assertions made by some against the CIA or the FBI in this respect. No reports of torture or of cruel, inhuman, or degrading treatment or punishment imposed by Government have been made. Those who oppose the death penalty have argued that it does represent a form of cruel and inhuman punishment and on that basis -- as well as because of its allegedly discriminatory application in practice -- have been greatly distressed by the execution of Gary Gilmore in 1977 and the subsequent execution of others in various States as a result of the Supreme Court's ruling for the constitutionality of capital punishment. However, there is no general consensus in this area,

and many believe that the death penalty, applied according to equitable standards, is morally justifiable and serves as an appropriate punishment for extreme crimes or as a deterrent against further crimes.

The right to due process as part of a fair and public trial as well as the right not to be subjected to arbitrary arrest, detention, or exile raise substantive concerns, cited by Amnesty International and others in reference to the cases of the Wilmington Ten, Leonard Peltier, Skyhorse and Mohawk, Russell Means, Dennis Banks, Leonard Crow Dog, and Joan Little. In these and other cases, it appears to many that the evidence is often contradictory or inadequate and that political, racial, or ethnic factors may have prejudiced the judicial process. "For the first time," writes Amnesty International (1977), "all cases either under adoption or being investigated are of Blacks or American Indians." Fourteen such cases had either been adopted or were under investigation by Amnesty groups as of June, 1977.

The "difficulty of identifying Prisoners of Conscience in the United States," is alluded to in Amnesty's 1975-76 Report (i.e., "in a country where there is no overt political imprisonment, but where it is suspected that many people may be 'framed' on criminal charges because of their political activities or ethnic origins..."). Therefore -- in reference to alleged cases of political imprisonment in America -- "the number of adopted

prisoners (cases) does not reflect the amount of time or the degree of attention given to (the U.S.)" by Amnesty. At the same time, such cases, in the nature of things, tend often to become tests of strength by opposing political factions, public relations causes for particular interests, or even "media-events" (cf., the recently published study The Innocence of Joen Little by James Reston). It was charged by some that Cueto and Nemikin, Puerto Rican nationalists accused of complicity with terrorism, were victims of persecution by Federal agencies investigating their activities and contacts.

President Carter's pardon for draft resisters in early 1977 resulted in the effective termination of the conscientious objector cases with which Amnesty International had been involved. Nevertheless, there was some support -- albeit greatly diminished -- for "universal unconditional amnesty," a proposal which received little popular or political backing.

In general, the criteria for violations of integrity of person do not apply in the United States because of the prevailing constitutional guarantees and legal safeguards -- with the alleged exceptions noted.

Basic Human Needs

On the ODC quality of life index the United States stands at 96: this figure is not derived from any specific year, but reflects the period of early to mid-seventies. The continuing problem of achieving equality of living standards between the races is reflected in figures, which were 97 for U.S. whites and 89 for other races.

In infant mortality the United States stands at 17 (per 1,000 live births). The general death and birth rates (given a natural increase per 1,000) for the United States stand at 9 (death rate) to 15 (birth rate). Other pertinent data, including literacy rate, per capita expenditures for education and for the military, total imports and exports, and per capita GNP growth rate, are given below:

<u>Population</u> <u>mid-1976</u>	<u>Per Capita</u> <u>GNP, 1974</u>	<u>Physical</u> <u>Quality</u> <u>of Life</u> <u>Index</u> <u>(POLI)</u>	<u>Per Capita GNP</u> <u>Growth Rate</u> <u>1965-74</u>	<u>Birth Rate</u> <u>per 1,000</u>	<u>Death Rate</u> <u>per 1,000</u>
(mil.)	(\$)	(%)			
215.3	6,670	96	2.4	15	9

<u>Life Expec-</u> <u>tancy at</u> <u>Birth</u>	<u>Infant</u> <u>Mortality</u> <u>per 1,000</u> <u>Live Births</u>	<u>Literacy</u>	<u>Per Capita</u> <u>Public</u> <u>Education</u> <u>Expend's.</u> <u>1973</u>	<u>Per Capita</u> <u>Military</u> <u>Expend's.</u> <u>1973</u>	<u>Total</u> <u>Exports</u> <u>f.o.b.,</u> <u>1975</u>
(years)		(%)	(\$)	(\$)	(\$ mil.)
71	17	99	348	374	106,157

<u>Total Imports</u> <u>c.i.f., 1975</u>	<u>International</u> <u>Reserves,</u> <u>Sept. 1976</u>
(\$ mil.)	(\$ mil.)
102,984	18,470

Income distribution figures for the United States (1970 estimates) by population groups of 20 percent each (from "richest" to "poorest") are: richest, 38.8; 2nd, 24.1; 3rd, 17.4; 4th, 13.0; and poorest, 6.7.

The United States "has the highest level of educational attainment and allocates almost six percent of its GNP to direct expenditures on education. By 1975 this proportion increased to almost eight percent of GNP," write Chiswick and O'Neill in Human Resources and Income Distribution. While provision of medical care is largely private, Government plays a major and increasing role in financing medical expenditures: of 118.5 billion expended for health care (1975), constituting 8.3 percent of the GNP, 42.2 was publicly funded. The largest income transfer program -- social security (old-age, survivor, and disability insurance) -- involved 19 percent of the Federal budget (1975) and 4.5 percent of the GNP: 32 million persons received cash benefits of 67 billion.

Problem areas include persisting unemployment, especially among Blacks; the rising burden of health care costs; inflationary pressures on the middle class, particularly in regard to the costs of higher education; traditional patterns of economic discrimination involving women and ethnic and racial minorities; and "poverty-pockets" associated with cultural and social deprivation (Appalachia, inner-city "ghettoes," etc.). While median family income has generally risen, it declined as real income (after adjustment for inflation) by four percent from 1973 to 1974 and by two percent (also for price changes) from 1974 to 1975.

The accessibility of higher education "on the basis of merit" has raised numerous problems of great complexity regarding compensatory programs for minorities hitherto denied such access. "Affirmative action," giving some form of preference to minorities, has elicited criticism from those who see it as a covert quota-system. The larger issue of educational equality as the means to social equality is involved in the bitter controversies over neighborhood schools, "busing," and the quality of education at every level. Similar problems affect patterns of employment (from trade unions to schools) and the civil service, where "affirmative action" has been repeatedly endorsed as a means to overcome the effect of past disabilities, and vigorously opposed by some as discriminatory.

The vexing problem of abortion raises the questions -- hitherto unanswered in terms of any clearly articulated moral consensus or consistent political and social policy -- of care and protection for unborn children and of balancing the rights of women and families and the common good. Profound differences exist among men and women of good-will, differences irreconcilable in principle. The liberalization of abortion laws in the United States resulting from Supreme Court rulings has nurtured a vigorous counter-movement. To many, the practice of abortion as a form of contraception (except in certain grave situations, medically validated as such is a grievous violation of life, liberty, and security of person. To others, the issue is seen as pertaining to the right of women to bear or not to bear children

in accord with their individual decision. There is some measure of agreement discernable on extreme cases (incest, forcible rape), on accepting medical judgment under certain conditions, and on the essential privacy of the decision as against its public dimension, but these areas are clouded by the intensity of agitation for and against public funding of abortions for the poor. It should be noted that the Administration of President Carter has officially opposed public funding of abortions. The recent National Women's Conference supported the right to "reproductive freedom" for all women, including the right of the poor to public funding for abortions. Instances of allegedly forced sterilizations by public authority have been challenged in the courts, as have medical experiments of various kinds, conducted with prisoners and others.

Civil and Political Rights

Basic civil and political liberties include the right to information (freedom of opinion and of expression), freedom of movement within and without the country, and freedom to participate or not in the process of government and in decision-making. Generally in the United States the civil rights of citizens have been steadily strengthened and expanded in recent years.

Amendments to the Voting Rights Act in 1975 extended special protection to (and assistance for) language minority groups. The number of registered Black voters and of Black elected officials increased dramatically (to over seven million and 3,979 respectively in 1974-76 from over two million and

103 in 1964). In 1974 over 90 percent of Black students in the South were in school with white students as a result of school desegregation. In consequence of equal employment opportunity laws, nine percent of employed Black males were in professional or technical, white collar work; by 1974 two percent of white women were craft workers -- increases from 1964 of respectively, three percent and one percent. In 1974 protection under the Housing and Community Development Act was extended to cases of discrimination on the basis of sex, further implementing the fair housing program. In 1976 amendments to the Equal Credit Opportunity Act added race, color, religion, and national origin to sex and marital status as protected classes.

The rights of American Indians in education and employment have been advanced: in 1970 95 percent of Indian children between seven and 13 years were in schools, and one-third of Indians 25 and over had finished high school. For FY 1978 the Bureau of Indian Affairs has requested \$245.5 million for Indian educational programs. In 1970 nine percent of Indian men were in professional and technical occupations, and 11 percent of Indian women.

Mounting concern over surveillance and covert activities by Government agencies has led to measures designed to protect the privacy of citizens and to further public accountability for intelligence investigations. In 1976 the FBI began implementing Justice Department guidelines regulating domestic surveillance and providing for Justice Department monitoring of

domestic security investigations. In 1977 the Justice Department issued guidelines to limit FBI use of informers in criminal and domestic security investigations in order to protect individual rights and to assure that the Federal Government itself does not break the law. Access to Federal Government records has been facilitated by law.

Both Congress and the Executive have thus responded to the concerns of women and ethnic and racial minorities for fuller participation in and equal access to the process of government at every level. Problems persist and challenge further remedial action among women, Blacks, American Indians, and the Hispanic surnamed. Women's rights groups have met with considerable success -- and increasing opposition -- in their nationwide campaign for an "Equal Rights Amendment" to the Federal Constitution. Across the country there has been rising agitation both for and against civil rights (centering on employment and housing) for "sexual-preference" minorities (i.e., homosexuals), commonly known as the "Gay Rights" movement. There is also concern for prison reform: the United Nations minimum standards for prisons are not usually observed in the United States. A Mexican-American prisoner-exchange has led to expectation of civil rights litigation challenging the procedure. However, generally the United States ranks high in the area of political and civil rights: Freedom House places the United States in both the 1 category, "highest level" and the "F" category (for "a free state"). The United States is listed among "multi-party, decentralized" under "forms

of political modernization" (political-economic systems), and with no "subordinate people" (i.e., denied self-determination). Critics of the United States charge that it does, in fact, have subordinate communities -- Blacks, Indians, Hispanics, Puerto Rico, etc., in the sense that their self-determination is frustrated or retarded by deliberate intent. However, there are no "subordinate peoples" before the law.

Except for pornography (a subject of continuing debate as to its definition and appropriate limits, if any, to its circulation), freedom of opinion and expression flourish, and the information media are free from coercive Governmental censorship. However, there is concern regarding the power of private interests, their allegedly disproportionate role in the dissemination of news, the influence of financial and other pressures upon objective treatment of controversial public issues, and the impact of Government in regulation of the media in the public interest. There is also anxiety for the integrity of private higher education institutions increasingly dependent upon Federal funding and hence subject to public regulation and control.

Many of these issues involve a complex balancing of rights -- public vs. private, corporate vs. individual. Thus, the continuing controversies over the CIA (cf., the Helms trial) reflect divergent concerns which must somehow be reconciled: national security and the need for clandestine intelligence activities, and individual liberty and the need for open scrutiny

and public accountability by agencies of Government. Controversies over the rights of conscience also result in divergent views as to the funding, direct or indirect, of private or religiously-oriented schools and conflict over the precise meaning of the separation of church and state in practice.

Freedom of dissent flourishes as do free elections: recent acts of Congress have sought to strengthen the electoral process by divorcing it from too great reliance upon private interests and money. Exile, banishment, forced migration, Government censorship, and the like are as alien to the United States as the detention of political prisoners. However, alongside the basic health of its free institutions, there are disturbing portents: "there is an abundance of striking evidence indicating the existence of 'fertile ground from which potential repression could grow,'" writes Dale Vree, citing Louis Harris' The Anguish of Change. The Gallup Poll in 1976 found 49 percent of Americans who agreed that "this country needs...really strong leadership...to solve problems directly without worrying about how Congress or the Supreme Court might feel...." The bewildering dislocations of the last fifteen years have helped undermine traditional structures and patterns of authority, making "average people susceptible to the lures of authoritarian leaders" and "extremist groups" (Vree). One critic (Paul Weaver) warns of "the growing influence of these three institutions -- the adversary style, the national press, and electoral praetorianism" -- as "altering the entire character of American politics," substituting "strategic politics" (with direct appeal "to mass audiences on the basis of images")

for the traditional "representative" ethic of "locally-based, interest-aggregating" empirical political life. The consequences, reflected in public-opinion polls, are seen as "incoherence and demoralization in public opinion, dishonesty among elites."

Such concerns may help guard against taking for granted the remarkable legacy of civil and political liberties which flow from the American system and which are increasingly unusual in the modern world.

Vietnam*

Introduction

It is difficult to obtain a comprehensive and accurate picture of human rights conditions in Vietnam because statistics are often unavailable and the Vietnamese Government carefully controls any outside observation within Vietnam. Broadcasts and articles from Hanoi's news media, accounts of Vietnamese refugees and reports of those selected visitors, including some Western journalists, who have been permitted entry to Vietnam are the major accessible sources, and often provide subjective accounts.

Background

On July 2, 1976, the Hanoi leadership formally reunited North and South Vietnam by creating the Socialist Republic of Vietnam (SRV), the first, single, independent government of all the Vietnamese people in the 20th century. With its population of nearly 50 million persons, the SRV is the 16th largest nation in the world, and the third largest Communist state. It is the strongest military power in mainland Southeast Asia, and has the potential for rapid economic growth due to its skilled and organized workforce, abundant natural resources and access to extensive marine resources.

After thirty years of warfare, however, Vietnam faces severe shortages of food, essential consumer goods, raw materials, and foreign exchange--each of which has been exacerbated by harsh weather conditions in 1976-1977.

* Prepared by Marjorie Niehaus, Analyst in Asian Affairs.

Further, in attempting to integrate the political and economic institutions of the south and north, the SRV leadership encountered difficulties that stem from the limitation of inexperienced cadres and resistance in the south. Vietnamese leaders have called for the complete elimination of capitalism in the south by the end of 1979, although collectivization of farms has begun only in the new economic zones, and thousands of private businesses are being permitted to continue. In the words of one long-time observer of Vietnam who recently visited the SRV, "there is no question that the new government in Vietnam is firmly controlling all of the institutions that affect peoples' lives."^{1/}

Traditionally, the Vietnamese have emphasized hierarchical structures rather than the role of the individual within society. Any observer of human rights conditions in Vietnam should consider that "human rights" is viewed differently in Vietnam than it is in the western cultures because of Vietnam's Asian traditions and the philosophy of its Communist leadership. The welfare of the family, the clan, the larger social unit, has priority over an individual's rights, which are often looked on as selfish concerns. Perhaps, because the idea of human rights is intimately bound up with the idea of individualism, which has no dominant place in Vietnam's cultural heritage, the concept tends to be alien to Vietnamese thought. In addition, according to the Communist philosophy of Vietnam's

^{1/} U.S. Congress. House of Representatives. Subcommittee on International Organizations. Hearings. Human Rights in Vietnam. U.S. Govt. Print. Off., Washington: 1977. (hereafter cited as 1977 Hearings on Human Rights in Vietnam) Testimony of Julia B. Forsythe, Asia Desk, American Friends Committee: 7.

leaders, "human rights" are not possible until economic rights have been achieved, which it is asserted can only be done through the establishment of a collective system. Influenced by Vietnam's cultural heritage and the Communist philosophy, the SRV leadership subordinates the rights of individuals to the duties of individuals as part of a collective mass under the direction of the Vietnamese Communist Party. The duties of peasants, trade union members, intellectuals and cadres alike are to further the goals of the state as defined and articulated by Party Leadership. For example, pointing out the intellectual's task in reunified Vietnam, in April 1977, Le Duan said that the intelligensia must positively take part in implementing the three revolutions so as to materialize the party's line and contribute to successfully building socialism.^{1/} Similarly, the tasks of the trade unions as defined by the fourth party congress are "to take the lead in three revolutions; to build the new system: the new economy; the new culture; and the new type man and to successfully build socialism."^{2/} Such freedoms as educational opportunity, occupational freedom of choice, and freedom of movement are linked to the individual's overt expression of political loyalty to state and party and participation in collective efforts to further the goals of state and party.

^{1/} Foreign Broadcast Information Service Asia and Pacific. April 21, 1977: K2. (hereafter cited as FBIS A&P)

^{2/} Nhan Dan as reported in FBIS A&P June 21, 1977: K9.

Loss of personal freedoms, fear of being sent off to the "reeducation camps" and economic hardships are the chief reasons for leaving Vietnam given by the many refugees who have fled their homeland since April 1975. Heavy fighting along the disputed borders between Vietnam and Kampuchea, which began in May 1975 and precipitated a break in diplomatic relations between the two countries in December 1977, contributed to the flow of refugees. During 1977, the flow averaged about 1,500 per month, including thousands of "boat people" who endured great hardships living at sea in small boats while they awaited entry from a sympathetic government. Many, perhaps 10,000 persons, ^{1/} perished at sea, while thousands more have been caught by Vietnamese authorities and punished for their attempted illegal exists.

The SRV has made great efforts to expand its economy. A five year (1976-80) development plan, which was revised in December 1976 to include both north and south Vietnam, called for rapid increases in exports and a broadening of trade relations with both market and nonmarket economies. The priority task is to develop agriculture, and secondly, to develop light industry which would provide a foundation for the rapid development of heavy industry. The 1976-80 plan is to lay the ground work for Vietnam to become a modern industrial state by the year 2000. Vietnam also sought bilateral and multilateral assistance and investment from both market and nonmarket economies. Assistance from the Soviet Union, Eastern European

^{1/} Malcolm, Andrew H. "Japan Decides to Keep its Curb on Vietnamese Refugees." New York Times, March 15, 1978.

countries, the Peoples Republic of China and a few Western countries has been negotiated with Vietnam. Aid pledges to the SRV are estimated to total over \$6 billion--\$4.75 billion from Communist countries and \$1.25 billion from non-Communist states and international financial institutions. In regard to the United States, however, the SRV has not achieved its objectives of securing economic aid.

The United States and Vietnam have no diplomatic or trade relations. Formal talks on normalization of relations between the two countries were held in May, June, and December 1977, with little progress made. The most formidable issue is the Vietnamese insistence that U.S. assistance be committed to Vietnam before diplomatic relations are established. In 1977, the U.S. Congress, reflecting U.S. public opinion, was strongly opposed to bilateral aid to Vietnam. Some Members attempted to restrict even multilateral aid to Vietnam on the grounds of human rights conditions. During 1977, laws were enacted that prohibit any aid or payment of reparations to Vietnam. Also, in response to congressional pressure (see below), President Carter directed U.S. representatives to the international lending institutions to vote against any loan to Vietnam in FY78.

Integrity of Person

Since the fall of Saigon in April 1975, reportedly over one million persons have been detained in the "reeducation" camps by the Hanoi regime. These camps, which are separate from the Vietnamese prison system, were established by Hanoi to deal with those southerners who, according to the Communists, were in need of "changes in attitude" before they could participate in the new society. There are five different kinds of camps corresponding to the different levels of "reeducation" intensity provided.

Conditions in the five types of camps range from harsh to moderate.

Following the initial arrests of former South Vietnamese officials came the detention of former officers, civil servants, teachers, "third force" politicians, Buddhist leaders, and others.^{1/} Most of these persons were probably held for a short time, but thousands of persons are still being held without trial, and, in most cases, without charges against them. A number of additional arrests of groups or individuals were reported in 1976-1977.^{2/} Hanoi has stated that 50,000 persons are being held in the camps. Other sources estimate the number to be 100,000-300,000 detainees.

The Vietnamese Ambassador to France said on February 2, 1977, that there were in Vietnam "at the most 50,000 detainees held because of the gravity of their crimes who will be tried or freed." On March 24, 1977, the Vietnam News Agency published an article by Madame Ngo Ba Thanh which said, "Before returning to normal life, prolonged reeducation will be necessary for some 5% of utterly degraded former members of the puppet army and administration." (The South Vietnamese army and police forces numbered about 1.1 million and the civil servants at least another 100,000.) Several months later an interview with former South Vietnamese General Nguyen Huu Hanh was published by the Norwegian News Agency in which Hanh was quoted as saying that "approximately 50,000 officers and officials are still being reeducated in special camps."^{3/}

^{1/} Rees, David. "Vietnam since 'Liberation': Hanoi's Revolutionary Strategy" Conflict Studies, November 1977: 9.

^{2/} Amnesty International Report 1977. Amnesty International publications. London: 1977: 227. (hereafter cited as "AI report")

^{3/} FBIS A&P July 25, 1977: K6.

Non-Vietnamese Government sources, however, estimated the number of detainees to be between 100,000 and 300,000: Indochina Resource Center, "U.S. Indochina Report" September 16, 1976: almost 100,000; Far Eastern Economic Review, May 7, May 14, and July 2, 1976: 200,000; Testimony of Andre Gelians, S.J., before the House Subcommittee on International Organizations in June 1977: 300,000; Robert Shaplen in the New Yorker September 5, 1977: 200,000; the New York Times on October 14, 1977 and November 13, 1977: 150,000; and Conflict Studies November 1977: 300,000.

Several Western newsmen and church representatives who visited one or two of the camps in 1976 and 1977, reported that conditions appeared to be adequate and that "reeducation" consisted of manual labor, political lectures and self-criticism sessions. ^{1/} According to an American journalist who recently visited Vietnam, the reeducation program was at first an emergency security measure to help the new regime consolidate its control of the south in the early months after the communist victory. But it seems also to have headed off a wave of vengeance and served as an effective tradeoff avoiding the bloodbath which was predicted. ^{2/} However, little if anything, is known about most of the camps. According to an analysis by Amnesty International, conditions vary significantly from one camp to another

^{1/} 1977 Hearings on Human Rights in Vietnam, 61-65.

^{2/} Dudman, Richard. "Viet Reeducation Camp is Work, Indoctrination" Los Angeles Times, November 3, 1977.

depending either on the natural conditions of the area, on the management of the camp, or on the gravity of the offenses allegedly committed by the detainees. Some places are reported to be open centers, others to be closed camps where conditions are harsh and freedom of movement is restricted. In some cases, it is said, families have been allowed only one visit to their relatives since 1975, while in others short visits are allowed once a month. 1/

The harshness of conditions in some of the camps is reflected in interviews with the many refugees who have fled Vietnam since 1975. Refugee reports claim that life in these camps is extremely hard with many detainees having died of malnutrition, disease, and mistreatment, including torture. 2/ In addition, there were reports that many officers and officials of the former regime were secretly executed. One source claimed he personally knew of 700 executions in one province alone. 3/ Another report claimed that over 30,000 Vietnamese were executed after the communist takeover in April 1975. 4/ Also, there have been reports that large groups of detainees have been transferred north near Hanoi. Amnesty International wrote to Prime Minister Pham Van Dong in April 1977, "asking about transfers to development areas in the north where food and sanitary conditions were said to be very poor." 5/ There has

1/ AI report, 228.

2/ Simons, Lewis M. "South Vietnam Today: A Harsh Life" The Washington Post, August 1, 1977, David Rees, 10.

3/ 1977 Hearings on Human Rights in Vietnam, 149.

4/ Anh, Le Thi. "The New Vietnam" National Review, April 29, 1977: 487-88.

5/ AI report, 228.

been no report of an SRV response to this inquiry or of responses to the other numerous appeals that Amnesty International has made to the Vietnamese authorities for information on alleged abuses.

The Vietnamese court system, like other sectors of the Government, is controlled by the Party, and is operated on the premise that the interests of the state have priority over the consideration of individual's rights. Those convicted of crimes are incarcerated in the SRV prison-labor camp system. The basic premise of incarceration is that the violator should not so much be punished as "reformed." Prisoners usually undergo a course of instruction designed to make the prisoner aware of "erroneous attitudes" toward society. The prisoner's behavior in the phase of "self-criticism and self-denunciation" largely determines the nature of his treatment in prison and his chances for probation or pardon. According to testimony of Nguyen Van Coi before the House Subcommittee on International Organizations, he, personally, and other prisoners in Vietnam's penal system, underwent extreme physical deprivation and were ill-treated in many ways.^{1/}

Basic Human Needs

Vietnam initiated a five-year (1976-80) plan to rebuild its economy after 30 years of war, but it faces severe problems. The war had retarded Vietnam's economic development by more than a decade and caused widespread destruction and damage in both north and south. The population of Vietnam is almost 50 million persons and the population growth rate is 3%. Vietnam's GNP is estimated to be \$6.5 billion, or \$150 per capita. For over 30 years food, medicine, and other basics such

^{1/} 1977 Hearings of Human Rights In Vietnam, 73-113.

as cloth have been scarce in the north. Now the southern part of Vietnam, too, is suffering shortages. During the war years, the southern economy had become dependent on massive external financing which drastically declined after the fall of Saigon. At the same time, imports of raw materials on which southern factories depended came to an end. Shortages of fuel adversely affected agriculture and fishing in the south. Scarcity of foreign exchange and export items aggravated Vietnam's need to import 80% of its raw materials.

Vietnam was also burdened during 1976 and 1977 by cold weather, droughts, floods, and crop diseases. These natural disasters, plus bad management in both agriculture and industry, caused severe shortages of food and goods. Poor management, especially at the middle and lower levels, is a problem throughout Vietnam because of inexperienced, ill-trained cadres, and, in some cases, cadres susceptible to bribery.

Over four million persons are unemployed in Vietnam, mainly in the south. Grain shortages were estimated at about 1.5 million metric tons in 1977 or nearly 10% less than needs. Grain from the Soviet Union, Canada, and other sources including the World Food Program (WFP) and other UN programs, alleviated, but did not solve, Vietnam's needs. ^{1/} According to one analyst, the June 9, 1977 order cutting rice rations that reduced the nationwide average to little more than a pound per person per day, was far less than ever known by southerners and as low a ration as was reached in the North during the war. Most Vietnamese in the south eat about a third of their previous quantities

^{1/} Pike, Douglas. "Vietnam in 1977: More of the Same" Asian Survey, January 1978: 69.

of rice and supplement their diets with corn and sweet potatoes. Fish is scarce, of lower quality, and higher priced than before, because according to some refugees, the quality fish are reserved for export.

Despite these severe problems, multilateral agency sources reported that the SRV Government has distributed the limited supplies of food, goods and services well enough to avoid starvation and widespread malnutrition. One report stated that the minimum needs of the population, in terms of food, housing, education, and medical services, have been met, although not at satisfactory levels. An American journalist who visited Vietnam during 1977 observed a "healthy, alert people, unmarked by the common signs of malnutrition."^{1/} A 1977 American Friends Service Committee (AFSC) delegation to Vietnam reported that "the poor of Vietnam are benefactors of any aid that is flowing into the country."^{2/} In testimony before the House Subcommittee on International Organizations in June 1977, one witness said that he had "found a very equal distribution of food" during his recent visit to Vietnam.^{3/} Another witness stated that "the Vietnamese Government is making every attempt to share the resources of the country with all citizens in an equitable manner."^{4/}

^{1/} Dudman, Richard. "Vietnam Learning Problems of Peace" Los Angeles Times, October 31, 1977.

^{2/} 1977 Hearings on Human Rights in Vietnam, 7.

^{3/} Ibid, 51.

^{4/} Ibid, 7.

Vietnamese refugee reports, however, provide a different view of Vietnamese life. These reports have been consistent in their descriptions of official discrimination against the former "middle classes," black markets, corruption, and confiscation of goods by the authorities. Most persons of "bourgeoise" background, according to recent reports,^{1/} are "unable to find" urban jobs, are rationed the least amounts of rice and goods, and they are under pressure to "volunteer" for the new economic zones where conditions are harsh. Reportedly,^{2/} authorities cut the rice ration of those who had been ordered to go to the new economic zones but hesitated to do so.

Among the numerous reports of official corruption are those which tell of bribing one's release from jail and purchasing, on the black market, fishing licenses and equipment for illegal transit by boat. The black market, reportedly, continues to flourish because many policemen and other officials accept payments from the market operators.^{3/} Several times in recent years the Hanoi leadership acknowledged and criticized corruption among cadres in the south.

^{1/} Kann, Henry. "And Vietnamese Refugees are Still Fleeing" New York Times, January 22, 1978.

^{2/} The Washington Post, December 8, 1977.

^{3/} "Exodus of Vietnamese Is Continuing" The Washington Post, July 16, 1977.

Civil and Political Liberties

The Vietnamese Communist leadership has always placed value on the individual as a member of the collective, and therefore, subordinated personal freedoms and rights to the individual's duties toward society as a whole. The individual's value corresponded largely to that individual's participation in social institutions. The purpose of the institutions was to further the goals and objectives of the society, as defined and articulated by the Party. To safeguard the goals of society, all social institutions and the individual's participation in these institutions were placed under the direction of Party leadership.

Shortly after April 1975, the Vietnamese Communists extended to South Vietnam many of the same restrictions and regulations that have existed in North Vietnam for several decades. Accordingly, in Vietnam today, the SRV Government exercises control over the news media, the expression of opinion, freedom of movement and emigration, education, elections, and participation in organizations. Religious institutions in Vietnam, primarily the Catholic Church and various Buddhist groups, are permitted to hold services and to participate in social works, but their institutional organization is firmly under the control of the Government.

Pursuant to a May 1975 decree which banned all South Vietnamese news media, 27 Vietnamese-language newspapers and 5 foreign-language papers were shut down. Radio and television stations were also closed,

and foreign news correspondents left the country. Currently, one television and two radio stations are operated by the SRV Government.

Although selected journalists from western countries and Japan have been invited into Vietnam for limited periods of time, only one western correspondent (Agence France-Presse) is permanently stationed there.

Among the few dailies published in Ho Chi Minh City (Saigon) are the official Saigon Giai Phong and Tin Sang, a non-communist daily that had been banned under the former Thieu Government. The editor of Tin Sang, who returned to Vietnam from political exile in Paris in August 1975, was quoted as saying that "he prints articles critical of the government and translations of foreign affairs analyses from Le Monde, the New York Times, and the Washington Post." Although the editor said he was not a member of the Vietnamese Communist Party and had no Communist censor or policy advisor on his staff, he added that "I am a self-censor. I know what we should publish in the interests of the country and the Vietnamese people."

Education was another institution in the south over which the Communists quickly took control. Shortly after April 1975, schools were supplied with textbooks from the north. Teachers, principals, professors, deans, and higher-level students from the pre-April 1975 period were required to conform to "reeducation guidelines" before they were permitted to participate in the new educational system. All secondary and university students are required to join the Ho Chi Minh Revolutionary Youth Movement.

^{1/} Refugee reports claimed that "bourgeoise" students are excluded from higher education, and are often drafted into the army. According to a SRV directive of August 15, 1977, "In selecting students for teacher schools, especially in southern localities, attention must be paid to attracting an ever increasing number of people who in the past engaged in fighting and work, who came from revolutionary families and the working class and who have good qualities and a fairly good educational background, in order to train them as teachers. We must pay attention to the political and ideological tasks in the lives of teachers and students."^{2/}

In a June 1977 policy statement on religion the SRV Government stated its intention to "help free churches from imperialist shackles, return them to the people and attach them to the fatherland and nation, turning broad segments of clergymen into people-loving patriots who support socialist construction."^{3/} Soon after the fall of Saigon, all orphanages, schools hospitals, dispensaries, and other religious institutions were placed under the control of the government although the staffs of these institutions often remained unchanged. At first, the government appeared not to prohibit the expression of certain beliefs, but it seemed to be working toward reducing the effectiveness of organized religions and, perhaps, toward eliminating the organizations themselves.^{4/} In recent months, some analysts have noted

^{1/} Henry Kamm, "And Vietnamese Refugees Are Still Fleeing"

^{2/} FBIS A&P August 18, 1977: K11.

^{3/} FBIS A&P June 24, 1977: K5.

^{4/} Lewis Simons, "South Vietnam Today: A Harsh Life."

a systematic effort to undercut and to diminish the influence of Buddhism because of certain tenets which the SRV Government sees as undermining the State's goals.

Since the Communist takeover in the south there have been frequent reports of opposition from members of the Cao Dai, the Hoa Hao, and other Buddhist groups. More than a dozen acts of self-immolation, committed as signs of protest, have been reported. One Buddhist leader who escaped from Vietnam in 1977 reported in the western press that the SRV Government had arrested hundreds of monks and confiscated hundreds of pagodas, turning them into government administration buildings. He also said that in March 1977, the Buddhist Church in Vietnam sent the SRV Government a memorandum detailing "88 cases of oppression" and requesting the Government to investigate, but received no reply.^{1/} Another refugee from Vietnam and a follower of Hoa Hao Buddhism described the harrassment used by the authorities to persuade individuals to "neglect the religions."^{2/} According to the 1977 Amnesty International Annual Report, "The available information suggests that the authorities have tried to restrict the activities of the Buddhist Church, particularly its social work in schools and orphanages, and have encountered strong opposition. Arrests were reported in April, five of them leaders of the Unified Buddhist Church."^{3/} In May 1977, Amnesty Inter-

^{1/} Hyer, Marjorie. "Buddhist Monk Tells of Religious Repression in Vietnam" The Washington Post, February 10, 1978.

Levin, Bernard. "The 'truth' about freedom of religion that turned out to be a lie" The Times (London) January 25, 1978.

^{2/} 1977 Hearings on Human Rights in Vietnam, 85.

^{3/} AI report, 231.

national wrote to the Vietnamese authorities expressing concern at these reports and urging that the arrests be investigated, but apparently received no reply.

The strongest opposition to Hanoi, according to some refugee reports, is in areas heavily populated with Catholics. The Catholic community in South Vietnam numbers about two million persons, many of whom had fled North Vietnam after the 1954 Geneva Agreement. After firing rockets and guns into Saint Vincent's Catholic Church in February 1976, the Government arrested 13 persons including several Catholic priests. Three of these persons were sentenced to death and the others were given 10-20 year sentences for "forming a resistance movement." According to some analysts the Government used the incident, which was given wide publicity in the Vietnamese press, as an example of its determination to control organized religion. One analyst viewed the SRV policy toward Catholics in the south as an extension of the policy developed earlier in the north, which is to mollify Catholics by guaranteeing freedom of worship but at the same time curbing their political power by confiscating some of the Church's material assets and maintaining surveillance over its activities.^{1/}

Also, there were reports that between 200-400 Catholic priests are in prison. Most of the Catholic hierarchy, however, seems to have chosen to acclimate their work to the new milieu. During a 1977 synod in Rome, Archbishop Binh stated that he and other Vietnamese bishops "had chosen to work as best they could within the political system now prevailing."^{2/}

^{1/} 1977 Hearings on Human Rights in Vietnam, 17.

^{2/} New York Times, October 10, 1977.

Some analysts, however, have commented on the comparatively flexible policy of the SRV Government toward religion, in view of historical examples, and they point out that Hanoi's "control" of religious institutions might be more political than ideological. In reference to the reported persecution of Catholics and Buddhists in Vietnam, Dr. William S. Turley stated in testimony before congressional hearings that "We must ask whether the incidents we are hearing about are instances of unjustified government repression or government action against groups that have shown a propensity in the past to resist government control, often by violent means, in which case the government is quite entitled and in fact has a responsibility to maintain order on behalf of the rest of the citizens."^{1/}

Reportedly,^{2/} the average citizen of Vietnam has no freedom of movement. Residents of Hanoi, Ho Chi Minh City, and other urban areas must obtain permission from the authorities to leave these areas overnight. According to one observer,^{3/} these official passes can be had only through bribery. Another first hand observer stated that "the ordinary citizen does not have the right to change his place of residence."^{4/} Population control in rural as well as urban areas is carried out through a network of divisions and subdivisions extending down from the security chief to the individual. An area is first divided into quan, which are then broken down into seven phuong, which are then subdivided into khom or units.

^{1/} 1977 Hearings on Human Rights in Vietnam, 13.

^{2/} Faas, Harst. "Vietnam Is Seeking Full Civil Control" New York Times, November 13, 1977.

^{3/} 1977 Hearings on Human Rights in Vietnam, 8.

^{4/} 1977 Hearings on Human Rights in Vietnam, 147.

A committee of five persons oversees each unit, with each committee person responsible for about 25 houses within the unit. The control system is used by Hanoi to mobilize the people behind government campaigns.^{1/} Hanoi requires positive participation in the unit organizations, including obligatory attendance at meetings.^{2/}

For nearly two decades Hanoi leadership has been carrying out a population relocation program or New Economic Zone (NEZ) plan. It consists of relocating individuals, families, even entire neighborhoods, to remote parts of the country where they are resettled as farmers. In the north, since 1961, more than one million persons have been relocated; in the south, about 1.3 million persons have been relocated since April 1975. By 1980, about three million more persons will be relocated from the "deltas and southern cities"^{3/} to the NEZs. The purposes of the NEZ plan are economic--to relieve the pressures of overcrowding and unemployment in urban areas, and strategic--to populate the regions bordering Kampuchea, which is currently in armed conflict with Vietnam over disputed national boundaries.^{4/} According to one analyst, the NEZ program also represents an effort to restructure Vietnamese society which "ultimately could have a more profound effect on Vietnam than any other event in the 20th century."

^{1/} David Rees, 8.

^{2/} Kamm, Henry. "Refugees Tell of Hardships and Fear in Vietnam That They Say Drove Them Away," New York Times, September 20, 1977.

^{3/} FBIS A&P January 25, 1978: K14.

^{4/} Douglas Pike, "Vietnam in 1977: More of the Same"

The program has many problems. Often those resettled have no agriculture experience and are hostile to the plan. Also, the conditions in the new zones frequently are harsh, and made more difficult by bureaucratic mistakes that often result in the scarcity of basic supplies such as seeds and tools. According to some refugee reports, many of these zones have already become rural slums with the inhabitants trying to survive on marginal farmland. A different view of this program was presented by the United Nations Mission to North and South Vietnam, March 1976, which stated in its report that "the Mission is convinced that the Vietnamese Government's policy of establishing new economic zones meets an urgent need for which it is hard to find any other solution."

Abridgements of personal freedoms, including the potential threat of being sent off to a NEZ or reeducation camp, and economic hardships are the main reasons for the steady flow of refugees from Vietnam. Since April 1975 approximately 200,000 Vietnamese have fled their homeland. During 1977, the flow averaged about 1,500 per month, including thousands of "boat people" who attempt to survive at sea in small boats while they hope for entry into another country. In late 1977, wall posters in Vietnam announced penalties for attempts to escape: 3-5 years in prison for anyone caught trying to flee; 5-15 years or death for boat owners who organized escapes.^{1/} Refugee reports that Vietnamese coastal patrols were authorized to fire on fugitives on sight were reportedly^{2/} confirmed by a Hanoi newspaper.

^{1/} Kamm, Henry. "Vietnam Is Acting to Halt Escapes" New York Times, December 30, 1977.

^{2/} Kamm, Henry. "...And Vietnamese Refugees Are Still Fleeing"

Although SRV authorities had told the Woodcock Commission in March 1977 that they would be "generous" with regard to their citizens wishing to join relatives in the United States, and to those wanting to return to Vietnam from abroad, providing they follow proper procedures, it appears the SRV Government prohibits Vietnamese from emigrating legally and has tried hard to prevent them from leaving the country by illegal means. Also, there have been reports that the more than 1,000 Vietnamese refugees who decided to return to their homeland from Guam in October 1976 are being held in a prison camp in Mhu Yen province.

In June 1975, Hanoi banned the political parties that existed prior to the April 30, 1975, fall of Saigon to the communist forces. On April 25, 1976, the people of north and south elected a unified National Assembly, which completed the process of reunification of Vietnam on July 2, 1976. The elections, however, as well as other activities in which citizens participate, are controlled by Vietnam's Communist Party. Dissent, as the term is understood in western cultures, is not permitted in Vietnam. All candidates were selected by the Fatherland Front in the North and by the National Liberation Front (NLF) and the Vietnam Alliance of National, Democratic, and Peace Forces (VANDPF) in the South. No one had the right to volunteer his candidacy.^{1/} An election order specified that "candidates must be patriotic people who advocate national reunification and socialism, who have recorded achievements during the resistance to imperialism and its henchmen and who have been recommended by the local NLF and the VANDPF."^{2/}

^{1/} 1977 Hearings on Human Rights in Vietnam, 149.

^{2/} Radio Hanoi, March 8, 1976.

Shortly before the April 1976 election, Radio Hanoi broadcast an article which explained that candidates were to be chosen to implement the policy which had already been decided by the authorities. "Democracy does not mean offering a chance for the people to choose a certain policy, but implementing a policy and insuring first of all that everyone has sufficient food and clothing and can engage in his studies. Holding a general election must be aimed at selecting certain people to implement this policy."^{1/}

About 95 percent of the elected Assembly members were members of the Vietnamese Communist Party, although a few former "third force" individuals were also elected. One non-Communist member of the National Assembly and its Subcommittee on Culture and Education was Mr. Nguyen Cong Hoan, who subsequently fled Vietnam in March 1977. During congressional hearings in July 1977, Hoan stated that "the present Government of Vietnam is a dictatorship run by the Communist Party of Vietnam. The Government can arrest, execute, deport, expropriate, tax, withdraw rice allowance, fire from employment, ban from schools, forbid travelling and do many more things to the people without specific charges or explanation."^{2/}

Hoan went on to say that "even though I was a National Assembly representative, I had no right to express myself at such a forum nor can I refuse to read a report there if I am assigned to read one. The report usually is one written beforehand or...under the supervision of the head of the delegation."^{3/}

1/ Radio Hanoi, April 13, 1976.

2/ 1977 Hearings on Human Rights in Vietnam, 147-149.

3/ 1977 Hearings on Human Rights in Vietnam, 150.

An impression of self-determination on the local level in Vietnam was given by a member of the American Friends Service Committee who lived in Vietnam after April 1975. She said that "There is absolutely no question that the Lao Dong Party is the central party in Vietnam, and is the ideological force that projects long-range plans . . . but for me, living in a street in Saigon, there was also some ability as a grass roots person, and granted a foreigner, but I felt it among my neighbors as well, to have some input into what happened in our lives on that street."^{1/}

U.S. Policy Response

The executive branch has not officially raised the issue of human rights conditions in Vietnam with the SRV Government, nor has it made any public statement regarding this issue. According to some analysts, this inaction is based on the rationale that a strong U.S. position on human rights in Vietnam might jeopardize the prospects for future U.S. normalization of relations with Vietnam. Others, however, argue that a United States public position on human rights in Vietnam would have little impact in Hanoi in view of the long U.S. involvement in Indochina.

In early 1977, the Carter Administration began to work toward full diplomatic relations with Vietnam, and it took several steps to improve the climate between the two countries. Restrictions on American travel to Vietnam were allowed to expire on March 18, 1977. President Carter sent a Commission to Vietnam March 16-20 to discuss matters affecting mutual interests. In July 1977, the United States did not veto Vietnam's

^{1/} 1977 Hearings on Human Rights in Vietnam, 20.

application for UN membership, although, previously, the United States vetoed it three times. After Vietnam returned the remains of 11 MIAs in March and 21 MIAs in September the Administration said it was "pleased" with Vietnamese efforts. Also, the Vietnamese were invited to Hawaii to study techniques of identifying war dead. In January 1978, the Administration lifted sanctions on Vietnamese refugees so that they can send money earned in the United States to relatives in Vietnam.

Talks on normalizing relations were held in Paris in May, June, and December 1977. During these negotiations the United States proposed that diplomatic relations be quickly established after which the United States would lift its trade embargo with Vietnam. Hanoi, however, insisted that a commitment for U.S. aid to Vietnam be provided before relations are established. On March 14, 1978, Richard Holbrooke, Assistant Secretary of State for East Asia and Pacific Affairs, said that the United States remained "unequivocally ready" to establish diplomatic and trade relations with Vietnam, but not under Hanoi's conditions, namely, the insistence that diplomatic relations be preceded by a commitment to provide economic assistance. Major legislation in 1977 reinforced the existing prohibition on U.S. bilateral aid to Vietnam.

The U.S. Congress debated the issue of human rights in Vietnam during 1977. In June and July the House Subcommittee on International Organizations held hearings on the human rights situation in Vietnam and its implication for U.S. policy. A wide spectrum of views was presented.

Some witnesses suggested that, in view of Vietnam's needs, if the United States is concerned with the human rights of the Vietnamese people, it has an obligation to give aid--at least food aid--to Vietnam. Other witnesses argued that the U.S. Government should speak out against the "abuses of human rights in Vietnam by the SRV Government."

In 1977, some Members argued in favor of U.S. humanitarian assistance to Vietnam in compliance with the U.S. policy to further human rights for all peoples. In January 1978, 18 Senators signed an appeal to President Carter "urging an American contribution to the international efforts underway to help meet serious food shortages in [Vietnam]." The Administration rejected the suggestion with the following:

We have decided not to provide disaster assistance to Vietnam or to fund the transport of private donations at this time.

As you know, Section 411 of the Agriculture Trade Development and Assistance Act of 1954, as amended, governs our contributions to the World Food Program (WFP) and prohibits aid to Vietnam unless specifically authorized by Congress. We do not believe that an increase in our contributions to the WFP, as you suggest, would be feasible in this case without Congressional approval.

We shall, however, continue to license the export of private donations of food and other humanitarian goods to Vietnam. The value of private American donations licensed since 1975 is now more than \$6 million dollars.

The majority of the U.S. Congress in 1977 opposed aid to Vietnam in any form, and many Members linked the opposition to aid with the human rights conditions in Vietnam. In addition to 1977 legislation which prohibited U.S. bilateral aid to Vietnam, the House version of the FY78 Foreign Aid Appropriations Act (H.R. 7797) prohibited the international financial institutions from using U.S. funds for Vietnam and six other

countries on the grounds that Vietnam and the six other countries violated internationally recognized human rights of their citizens. When a Senate-House conference committee became deadlocked over the provision, President Carter, acting in order to break the deadlock, promised in writing that he would instruct U.S. officers assigned to the lending institutions to oppose and vote against loans to Vietnam and the other six countries.

Also in 1977, some Members of the Congress linked the U.S. request for information on American MIAs in Southeast Asia to the issue of human rights, and argued that Vietnam had an obligation, on humanitarian grounds, to provide the MIA information to the United States.

ZAIRE*

There has never been a systematic survey of human rights in Zaire. Amnesty International in early 1977 sent a team of investigators to examine and report on the human rights situation in Zaire. However, the investigating team was withdrawn by Amnesty International after an invasion of the country threatened to topple the central government.^{1/} The American Friends Service Committee, an organization with strong human rights concerns, issued a special report on Zaire in 1977. This report focused on the invasion of Zaire, political corruption, and economic development issues.^{2/} Newspaper reports on Zaire in 1977 focused on two major themes, the invasion of the country and the attempt to prevent Zaire from defaulting on its international bank loans due to the near bankruptcy of the country. The U.S. State Department does monitor human rights issues in Zaire and, as required by law, reports to Congress on this matter.^{3/}

^{1/} Amnesty International Report 1977. Amnesty International Publications, London. 1977. pp. 112-113. In March 1977 the Shaba (formerly Katanga) province of Zaire was invaded from Angola by Katangese who had fled to Angola after the unsuccessful attempt by Katanga to remove itself from the authority of the (then) Government of the Congo. The invasion was repulsed after several months of fighting.

^{2/} American Friends Service Committee NARMIC. Crisis in Zaire. American Friends Service Committee. 150 Cherry St. Philadelphia, Pa. 1977.

^{3/} U.S. Congress. House of Representatives. Committee on International Relations. Human rights practices in countries receiving U.S. Security Assistance. Report. 95th Congress, 1st session. Washington, U.S. Govt. Print. Off. April 25, 1977. pp. 99-100. Much of the material in this report, with respect to 1977, was supplied by the State Department.

* Prepared by William N. Raiford, Analyst in International Relations, Foreign Affairs and National Defense Division.

The above-named entities are the primary sources for this report. As none of them reported on human rights in Zaire in a systematic or conclusive fashion this report must also, then, be considered fragmentary and tentative.

Background

It would appear that the primary determinants of human rights in Zaire derive from 1) the aftereffects of colonialism and a particularly turbulent independence era, and 2) the conditions of underdevelopment. Independence was thrust hastily upon the former Belgian Congo in 1960; the colonial power had made no plans for independence (no colonial subject had attained a degree in engineering or medicine) and only an embryonic independence movement had developed. With independence came turmoil, intense competition for power between contending indigenous forces and foreign powers, and the concomitant flourishing of rumor and mistrust as elements of national political style. Efforts to dismember the country were thwarted, however, and after an initial five years of revolving government the commander-in-chief of the armed forces, General Joseph Mobutu, took power in a bloodless coup. President Mobutu, whose 12 year rule has been based upon the support of the armed forces, faces the fundamental task of developing national unity in a vast territory peopled by more than 200 ethnic groups.

Integrity of Person -- A number of questionable arrests and convictions, one of which resulted in a death sentence, were reported in 1977.

Most were connected with the invasion of the Shaba province in March

^{1/} 1977. There were also reports that government troops detained, harassed and in some cases killed civilians of the Lunda tribe of Shaba, some of whom were felt to be affiliated with the invading Katangan rebels.^{2/} During the Shaba fighting seven foreign journalists were arrested and accused of illegal entry and espionage in the province.

They were released within a month on President Mobutu's "personal intervention."^{3/} The fate of two men, presented to a press conference as captives of the invading forces, remains unknown.^{4/}

The most publicized case relating to the Shaba invasion was that of Zairian Foreign Minister Nguza Karl-I-Bond. Mr. Nguza was charged with high treason for allegedly withholding advance notice from President Mobutu about the Shaba invasion. A Belgian lawyer retained by the wife of the accused was refused entry into Zaire as was a Belgian television crew sent to cover the trial. Mr. Nguza was found guilty and sentenced to death during a trial which was broadcast live on radio and television.

^{1/} Amnesty. op. cit., p. 112.

^{2/} Wright, Robin. Tribesmen in troubled province become victims of Zaire's army. Washington Post. April 21, 1977.

^{3/} Amnesty. op. cit., p. 113.

^{4/} Ibid., p. 113.

President Mobutu commuted the death sentence some days later.^{1/}

Amnesty International reported that seven army officers who had been sentenced to death for alleged complicity in an abortive coup attempt in 1975 had not been killed. Seven persons were acquitted of complicity during the trial held at that time but apparently most of the 26 others who were given terms of six months to 20 years, remain in prison. Amnesty also reported the arrest and subsequent release of several persons detained on the basis of alleged connections with a political liberation group.^{2/}

To summarize, there appears to be a general problem of questionable and arbitrary arrests, which occur from time to time in Zaire. They do not appear to be a part of any government campaign, however, and detainees are usually released within a short period of time. Though prisoners have apparently been subject to the use of force during interrogation in the past this has not been an issue recently. Indeed, no reference is made to torture in 1977 in the reports consulted. It would appear that a number of political prisoners remain in detention, most held as a result of attack on the government.

^{1/} Dateline Africa. West Africa. Lagos, Nigeria. Sept. 19, 1977. p. 1951 and Overseas News. Financial Times. London. Sept. 6, 1977. p. 6.

^{2/} Amnesty. op. cit., pp. 112-113

2. Basic Human Needs -- The Overseas Development Council "Physical Quality of Life" Index for Zaire is 28.^{1/} Though low by global standards, this is slightly above the mean for African nations, and is similar to those in a number of nearby countries which have a higher per capita income. Zaire's expenditure on education is significantly lower than in these higher per capita income countries, however. Zaire's per capita GNP for 1974 is listed as \$150.

It is difficult to interpret these figures, other than within the general context of underdevelopment. However, an evaluation of government policy with respect to economic development can be considered a matter of controversy with reference to the physical quality of life aspect of human rights. In essence, Zaire gave preference in the 1970's to a development formula that emphasized the importation of foreign capital to develop its mineral wealth while ignoring the rural sector. Critics charge that this bankrupted the country (an unforeseen decline in copper prices aggravated balance of payments difficulties), contributed to the omnipresence of corruption in high office and enrichment of the few, and prolonged underdevelopment in the rural sector.^{2/} In a report critical of Zaire's development policies the AFSC/NARMIC publication quotes official documents to the effect that 1) Zairian policy led to a decline of 1.4 percent per capita agricultural production from 1971 to 1976 (U.S. AID Security Supporting Assistance FY 78 Submission p. 218), 2) increasing

^{1/} Overseas Development Council.

^{2/} American Friends Service Committee op. cit., pp. 1-7.

amounts of food imports are required for a country once self-sufficient in food crops (U.S. AID FY 77 Budget submission), and 3) a third of the population suffers from "deficiencies in caloric intake (World Bank 1975 report cited in Guy Cran, "Policy Making and Historic Process; Zaire's Permanent Development Crisis," paper presented at African Studies Association annual meeting in November 1976).^{1/}

While external events had a negative effect on Zaire's financial position -- the Angolan war disrupted the transportation of copper and prices of that commodity also fell sharply^{2/} -- it is incontrovertible that Zaire was, (according to one of its principal foreign financiers), on the point of bankruptcy in 1977.^{3/} Zaire's foreign creditors certainly have enabled that country to develop its export potential through exploitation of the country's mineral resources but most observers argue that this activity has primarily served to enrich the few. It would thus appear that the government's policies have not contributed to economic development and may have, in fact, failed materially to improve the life of the majority of citizens who live in the rural areas.

^{1/} Ibid. pp. 1, 4.

^{2/} Aronson, Johnathan David. The politics of bank lending and debt rescheduling in Zaire, Indonesia, Brazil, and Mexico. Unpublished paper delivered at African Studies Association annual meeting. Houston, Texas. Nov. 3, 1977. p. 9.

^{3/} Ibid. p. 10 cited from Barron's Oct. 17, 1977, p. 12

Civil and Political Rights -- Political expression, while circumscribed, appeared to be greater in 1977 than in earlier years. Three nationwide elections were held in October 1977 for urban councils, legislative councils, and a party assembly. In December, a nationwide referendum approved President Mobutu as President. 10.5 of 10.7 million votes, out of a population of approximately 22 million, were cast for Mobutu. In August 1977 the sole legal labor organization, the National Union of Zairian Workers, held its first genuine election since its creation in 1967.

The right of assembly for political purposes is prohibited unless exercised under the authority of the government political party which is the only legal party. The universities are controlled by the State which establishes the curriculum. Radio and Television are government controlled. Freedom House lists Zaire as among the "least free" nations with reference to both civil and political rights.^{1/}

The context of limited, but perhaps greater freedoms, appears to hold true with respect to freedom of religion and freedom of movement as well as in the area of political expression. Freedom of religion was hampered in the 1971-75 period, first by a campaign for educational reform which affected the many religious schools in Zaire and, secondly, in conjunction with a government effort to create a greater sense of nationalism, the activities of other religious institutions were restricted. In both cases the restrictions have been lifted although the government continues to monitor religious activities. Freedom of travel within the

^{1/} Freedom House.

country was inhibited in the early 1970s by a pass system designed to curb rising unemployment and crime in the cities, but these restrictions have been lifted.^{1/} Foreign travel and emigration is apparently unrestricted but individuals may find it difficult to leave the country if the government does not wish them to do so.^{2/}

C. U.S. POLICY RESPONSES

1. Executive Branch Statements and Actions -- When the March 1977 State Department report on human rights was released a Department spokesman stated that "we have a good relationship with the central government."^{3/} State Department sources state that while human rights has not constituted a public issue between the two governments, Department officials have expressed concern for the improvement of the human rights situation, both in general and with reference to specific cases, and that this concern has been acknowledged by Zairian officials.

Total military and economic assistance to Zaire is expected to decrease from \$58 million in FY 77 to a proposed \$52 million in FY 78. The economic component will increase however, from \$27 million in FY 77 to a proposed \$32 million in FY 78, while total military assistance will decline from \$30 million in FY 77 to a proposed \$20 million in FY 78.^{4/}

^{1/} U.S. Congress. op. cit., p. 100.

^{2/} State Department information.

^{3/} Zaire curbs human rights, U.S. says. Washington Post. March 16, 1977.

^{4/} A.I.D. Congressional Presentation Fiscal Year 1979, Main Volume. pp. 139, 139D.

The U.S. adopted a restrained stance in assisting the Zairian Government in its efforts to repel the invasion of the Shaba province. The U.S., after careful review of a request for assistance from the Zaire Government, decided to limit shipments of materiel to spare parts and other non-lethal equipment.

2. Congressional Action -- Congressional concern about Zaire focussed on a desire to avoid the possibility of any U.S. military involvement in Zaire and on a perception of a high degree of corruption in the Zairian government. This concern was expressed during debate in both houses on the International Security Assistance Act of 1977 which, as enacted, (P.L. 95-92), contained the following provision:

POLICY ON ZAIRE

Sec. 25. No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, or promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interests of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing--

1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified forms, of the reasons supporting such determination.1/

The Congress took no action with respect to Zaire which focussed specifically on the issue of human rights.

1/ P.L. 95-92, Sec. 25. Aug. 4, 1977. [91 Stat. 624].

ISSUES IN INTERPRETATION AND EVALUATION OF COUNTRY STUDIES*

In large measure the country studies in this report speak for themselves. They are limited in scope and purpose, presenting assessments of human rights conditions in a variety of countries based on available open-source data. No attempt has been made to provide systematic comparative analysis of conditions across countries; no attempt has been made to evaluate the advantages and/or disadvantages individual governments face in whatever efforts they may make to improve human rights conditions.

As noted in the Introduction, the primary function of these studies is to provide a basis for evaluation of congressionally-mandated human rights reports. A secondary function, however, is to report on some of the issues that arise in conducting these studies. The purpose of this chapter is to briefly identify and discuss three types of concerns that bear on the evaluation and interpretation of these reports: problems with the adequacy of the data on which they are based; problems that arise with efforts to develop statements on the relative severity of violations in different countries, and problems in establishing reasonable levels of expectations for different countries.

* Prepared by Stanley J. Heginbotham, Specialist in International Politics, and Vita Bite, Analyst in International Relations.

Adequacy of Data

One concern that must inform the careful reader of this set of country studies--and presumably the studies prepared by the Department of State as well--is the adequacy of the data on which they are based. Adequacy is, of course, related to purpose. Clearly there is a difference between the quality, reliability and comprehensiveness of data needed to provide a useful impressionistic account of human rights conditions and that needed to provide an acceptable basis for foreign policy making. The authors of these reports are generally comfortable with the use of these essays for the former purpose, but would be much more concerned about their use for the latter. To report and analyze accurately and with reasonable skepticism and qualification the data that are available on human rights conditions in a country is not necessarily to produce an authoritative and comprehensive view of human rights conditions in that country.

In many cases, considerable ambiguity remains as to the credibility that can be accorded reports of violations, and great uncertainty remains as to how adequately important categories of violations are being reported. Unfortunately, moreover, there is good reason to believe that both the problem of credibility of reports of violations and the problem of under-reporting are not evenly distributed across countries, but rather vary significantly in their severity from one country to another. It seems possible, for example, to identify six factors that appear to influence the amounts of information available on violations of the integrity of the person. Such information is, by nature, likely to be transmitted through clandestine channels, and the circumstances that dictate whether

and with what impact this information will become publicly available are varied.

First is the openness of the society. Cambodia, Vietnam, the People's Republic of China, and Burma are all examples of political systems that rigidly control access to and movement within their territories. Foreigners have minimal exposure to various groups that may or may not undergo severe deprivations of human rights. Massive violations, such as those reported in Cambodia, come to the attention of the western press and human rights organizations only in fragmentary form and often after considerable delay, through the accounts of refugees.

Second is the degree of contact and communication with the United States and other western countries. Countries that have had extended and intensive economic, governmental, and intellectual associations with the United States, for example, tend to sustain informal communications patterns that provide outlets for information on human rights violations. In this respect, the flow of information on imprisonment and torture in China and Argentina has been much more rapid and comprehensive than comparable information, for example, from Guinea Bissau and the Central African Empire. Linkages based on ethnic and religious identification can play a special role in facilitating the flow of information. The problems faced by Jews in the Soviet Union, Cubans under Castro, and Iranians under the Shah have become better known in the United States than might otherwise have been the case because of communications of individuals and groups to counterparts in the United States.

Third is the extent of general foreign press coverage that a country receives. Korea, Brazil, South Africa, and India are examples of countries that, because of their size, strategic significance, and international roles, are relatively well covered by the foreign press. Journalists on the scene are more likely to report charges of human rights violations from such countries that they might be from neighboring countries that they visit only occasionally.

Fourth is the level of expectation of human rights protection. Though there is no means of documenting this pattern, journalists and observers seem to operate with different levels of expectation for the respect of human rights in different countries. In some cases this is clearly related to the history and pretensions of the country itself. India, for example, had long expressed public pride in its democratic political processes. The restraints on human rights during the period of the Emergency were in such stark contrast to both past practice and to Mrs. Gandhi's pretensions that they were clearly newsworthy and attracted considerable reporting. Similar factors may have been at work in shaping patterns of reporting on countries such as Chile and the Philippines. The fact that the United States Government for many years rationalized its support for Korea and Taiwan in terms of support for democratic regimes may well have encouraged attention to violations of the precepts of democracy in those countries. The fact that communist, or other explicitly authoritarian societies, engage in more extensive and varied deprivations of human rights is not surprising and therefore tends to be reported in less detail. Cultural factors may also be at work here.

There appears to be a greater sense that human rights violations in countries of Latin America, with more lengthy and established western-based legal and political traditions are less to be expected than are comparable violations in countries of the Middle East and Africa. It is not necessarily the case that expectations for those countries are lower, but possibly just that the legal and governmental norms of those societies are less familiar and consequently the gap between tradition and reality less apparent.

Fifth is the patterns of research conducted by human rights organizations. It is unrealistic to expect that such patterns would be balanced in terms of coverage of all countries. Some organizations are constrained by political pressures. The United Nations Human Rights Commission's inquiries are shaped by voting patterns of nations within the Commission. Other organizations focus their work in response to specific mandates. The Organization of American States' Human Rights Commission has been active within the context of Latin America; the Organization of African Unity, in contrast, has been much less concerned with human rights investigations in Africa.

In addition, operational considerations shape investigatory and reporting patterns. Amnesty International (AI), which probably has the most extensive and effective human rights information-gathering and disseminating capability, services primarily the needs of its local adoption groups, each of which works to free, or improve the conditions of,

three "prisoners of conscience," one of whom is from an eastern bloc country, one from a western bloc country, and one from a third world country. AI's research, consequently, is primarily built around individual cases and is responsive to the needs of its adoption groups. Since the periods of imprisonment of AI-adopted prisoners are often lower for western and third world countries--reflecting perhaps, their greater sensitivity to public pressure--and the costs of building adequate cases in such countries are generally lower than in eastern bloc countries, they may well receive disproportionate research attention. Within third world countries, the cost factor--which is largely shaped by the availability of open source material--is again likely to direct research and dissemination of information to countries that are relatively more open and tied to western countries. Only recently, as AI's data have been used increasingly in public policy debates--and the patterns of its research have consequently become subjects of public criticism--has the organization begun to make more systematic efforts to assure that its research coverage meets these newly imposed criteria.

Sixth is the country reports on human rights practices submitted to Congress by the Department of State in accordance with sections 116(d) and 502(b) of the Foreign Assistance Act of 1961, as amended. These reports, though they are not based on extensive independent primary research, provide additional visibility and salience to human rights issues in those countries receiving assistance under section

116(d) and those countries proposed as recipients of security assistance under section 502B(b). Through these reports cover a vast array of countries--105 in the submissions made for FY79--there are a number of very significant exceptions. Indeed, as mentioned earlier of the 18 foreign countries covered in this volume, only nine are among those reported on in the State Department volume.

Taken together, then, these factors provide some counteracting biases, but on balance, their effect is to provide reinforcing emphasis on certain countries. Korea, Iran, and the Philippines, for example, appear to be countries for which many factors lead to relatively widespread reporting. The People's Republic of China, Vietnam, Zaire, and Namibia, on the other hand, have relatively fewer factors encouraging extensive reporting. Others have more mixed patterns.

This is not to suggest, of course, that countries that are relatively under-reported necessarily have severe human rights problems, or that those on which we have more extensive data are somehow less culpable because we do know more about them. Nor is it to suggest that the patterns of bias in information collection and dissemination are necessarily seriously at odds with the level of public policy attention countries should receive; it can be argued, in fact, that the very factors that lead to extensive reporting--extensive contact with the United States, high expectations of respect for human rights, cultural traditions of respect for human rights, and patterns of U.S. assistance--are the same factors that are likely to lead to greater U.S. leverage. Others argue, however, that U.S. government policy ought not to be directed disproportionately at exercising our leverage

with those countries with which we have had long-standing and generally friendly relations, but rather with using public exposure, suasion, and harsher sanctions such as economic boycotts to pressure those with whom we do not have close relations--the Soviet Union, Cuba, South Africa, and China--to improve human rights conditions.

Whether or not the emphases they yield are appropriate, however, the biases in information levels do need to be noted and their implications considered.

Developing rankings of country human rights situations

A second concern in interpreting these country studies is that of deriving some comparative sense of the relative severity of violations in different countries. One can perhaps appropriately deplore any of a number of types of human rights violations, but certainly, given the widespread patterns of apparent violations throughout the world, public policy would greatly be served by the ability to rank countries by the severity of their violations so as to facilitate concentration on governments with the worst records. This report--like that of the Department of State--makes no serious attempt to derive such rankings or to facilitate the development of such rankings by others.* Our preliminary hope was that greater specificity could be incorporated in the country studies.

* The use of the Physical Quality of Life Index is an attempt at partial quantification. The limitations of such an effort are discussed in a subsequent section of this chapter and in Appendix B.

At the outset, for example, we hoped that enough statistical information would be available so that we could determine even in a crude, rough form numbers of assassinations or disappearances per 1000 population, number of reports of torture per 1000 population, and number of detainees not charged or tried per 1000 population in a given country. Such ratios might then be compared with like ratios for other countries to give some sense of ranking of countries violating integrity of the person's rights. The problems encountered in attempting even such a preliminary step at quantification, however, were suggestive of the problems that confront serious systematic ranking efforts.

In assessing these studies and attempting to make even tentative comparisons across countries as to severity of violations, therefore, it is perhaps useful to keep in mind some of the specific impediments to the development of rankings of individual countries.

First, existing data are inadequate. A valid system of ranking requires comparable and reasonably complete data. As was pointed out in the preceding section, however, reports of violations are often extremely difficult to validate and there seem to be significant biases in the comprehensiveness of reporting about individual countries.

Second, some basis must be established for weighing the importance of different types of violations. There is not general agreement as to the relative importance that should be attached to the three major categories of violations that have been differentiated in this study.

Even more complex is the problem of weighting different types of violations within categories. Most such efforts on which scales or indices are based contain a good deal of arbitrariness, but to be widely acceptable, they must nevertheless usually be consistent with impressionistic assessments of relative significance. When one is dealing with such emotion-laden matters as electric shock torture, years in prison without trial, and summary execution or mysterious disappearance without trial, it is difficult indeed to achieve even impressionistic consensus on relative weightings.

Third is the problem of duration and "graduation." Data collection must cover a given period of time, but levels of human rights violations often fluctuate dramatically within countries over time. Too short a time frame invites spacing of violations to minimize their impact on the country's "record"; too long a time frame can mask very real improvements. Regimes are, in some cases, susceptible to pressures to improve conditions and may reduce violations. It is generally very difficult to determine how long such improvements must last to be accepted as real as opposed to "tactical" efforts to minimize opposition to human rights violations without significantly modifying longer-term policy and practice.

Levels of expectations

A third issue in the interpretation of human rights data is that of establishing reasonable levels of expectation. Even if one has adequate data on a set of countries and can agree on the relative importance of different types of violations, what basis does one

have for suggesting that a country is doing better or worse than might be expected of it? Though this is not a serious problem in a few situations where the extent and severity of violations is greater than objective observers could justify, it is a serious problem indeed when the broad range of nations violating human rights is considered and when attempts are made to assure the equity of responses to violations in a number of countries.

The problem of expectation relates to the fact that countries vary in their levels of political and economic modernization, their social heterogeneity, their cultural patterns and values, their prevailing ideologies and the extent to which they are under threat from external forces. These characteristics, in turn, relate to the extent to which human rights are likely to be respected and the extent to which governments can be expected to protect those rights.

Gradual evolution of mature and sophisticated political and economic institutions create conditions under which stable patterns of political opposition, legal procedures, and redistributive economic policies can operate effectively. Countries in Latin America whose histories have been marked by the discontinuities of coups, revolutions, dictatorships and democratic experiences; or countries in Africa which have had only very brief experience in building political and economic institutions; are certain to find it more difficult to manage the open expression of dissent and more likely to resort to the repression of dissidents than are countries such as the United States and Great Britain, which have relatively long histories of stable political and economic institution building.

The social heterogeneity of a country is likely to be the product of accidents of history, but is another significant factor in the strains a country faces in attempting to operate an open and non-repressive political system and economic system designed to assure minimal needs of all its citizens. The cultural, linguistic and religious heterogeneity of an India, an Indonesia, a Nigeria, or a United States as examples, create much greater opportunities for opposition to turn into violence and civil strife than does the relative homogeneity of a Bangladesh, a Thailand, a Ghana, or a Great Britain.

Societies also differ in the extent to which their cultural patterns have emphasized what Americans think of as "human rights." Political traditions in many societies ascribe relatively unrestrained authority to leaders and emphasize the importance to the society of its leaders being able to command compliance by a wide range of techniques. The traditions of individual freedoms, procedural constraints on governmental authorities, and citizen participation in the political process that have been central to American political history provide much greater sensitivity to and support for human rights concerns.

Ideology also shapes perceptions of and approaches to human rights. Political views deriving from Marxist precepts, for example, argue that procedural safeguards and political freedoms of liberal democratic theory are illusory if the basic elements of citizens' lives are controlled by exploitative capitalist economic systems over which they have no effective control. Extensions of that line of argument to the developing world reason that the power of western-based capitalist institutions so dominates the economies of poorer nations that breaking

the cycle of economic dependence is a prerequisite to meaningful political and civic human rights. The pluralist ideology on which the American system of government is based, on the other hand, views the political process as significantly autonomous from economic power, and sees political and legal human rights as fundamental.

External threat is a final example of the kind of factor that influences expectations of human rights performance. Subversion, irredentist movements based in neighboring countries, and foreign support for internal successionist movements are sources of threat that are common in many parts of the developing world. Restrictions of freedom and constraints on dissent are tempting--and many would argue, justifiable--means to facilitate control such threats. On the other hand, the severity of such threats is often difficult to evaluate, and regimes may overstate such threats as justification for violations of human rights.

The level of human rights performance that one can realistically expect from individual governments will vary with these characteristics, and in all likelihood with others as well. The problem is that it is extremely difficult to be more precise. We can impressionistically argue that the Philippines have a longer and more successful experience with democratic process than does Korea; but does the greater cultural heterogeneity of Indonesia mean that it should be more or less, or equally protective of human rights than Korea? As one adds other considerations and includes countries of other regions with radically different traditions and histories, the problems of determining levels of expectations threatens to become impossibly complex.

Toward rankings and establishing levels of expectations

Careful research can begin to clarify relative levels of human rights performance and the processes by which respect for human rights increases--and thus the levels of expectations that can be established for different countries. The task, however, is a long and arduous one. Certainly the most promising area for research may be in social and economic human rights. The Physical Quality of Life Index constitutes a minimally satisfactory measure of these rights and was used in our country studies to provide impressionistic indicators of well-being. The index is an aggregate of three scales, equally weighted, that measure life expectancy, infant mortality and literacy. Scores for individual countries range from about 10 to 100. To say that Zaire scores 28 and Indonesia scores 50, however, does not reliably reflect their respective governments' performance in support of social and economic human rights, because their circumstances differ so dramatically.

Appendix B describes an analytic effort to take some preliminary steps toward establishing realistic levels of expectation for performance. This study illustrates the problem of interpretation and expectation that arise when data and measurement problems are relatively minor.*

The most promising initial basis for establishing expectations is an empirical one. One can choose factors that presumably influence human rights performance and then determine how patterns of human rights performance change with different conditions of those influential factors.

* Relatively is used here advisedly. The PQLI has been attacked on many methodological grounds, including the problem of inaccuracy and non-comparability of the data on which it is based. These problems are minimal only in comparison to those of devising indices and collecting data for measurement of civil and political human rights violations and of violations of the person.

Social and economic human rights, for example, presumably will--on the whole--be better achieved in countries with higher per capita gross national products (GNPs) than in countries with lower ones. Our study finds that, on the average, PQLI scores increase 10.8 points with every doubling of per capita GNP. On the average, countries with per capita GNPs of around \$250 have PQLI scores of around 42; those with per capita GNPs of around \$500 have PQLI scores of around 53; those with per capita GNPs of around \$1000 have PQLI scores of around 64, etc.

A second factor that very significantly influences social and economic human rights performance is region. At equivalent levels of GNP, African countries, on the average, have PQLI scores that are significantly lower than those in the Middle East; and both African and Middle Eastern countries have PQLI scores that are well below those of Asian and Latin American countries. Western countries, in turn, have higher PQLI scores, controlling for per capita GNP, than do countries of Asia and Latin America. At the \$1,000 per capita GNP level the difference is between a mean PQLI score of 31 in Africa, 49 in the Middle East, 78 for Latin America and Asia, and 85 for western countries.

This study suggests a number of propositions of significance in any attempt to identify norms for human rights performances in individual countries:

First, the data strongly suggest that performance in the social and economic human rights area is heavily determined by factors other than government policy. Statistical analyses of this study based on 116 countries show that approximately 80 percent in the variations of PQLI scores can be explained by the two factors of per capita GNP and region.

More precisely defined and measures factors would undoubtedly further reduce the amount of variation that could be attributed to government policy.

Second, the data strongly suggest that there is a significant lag between exposure to the pressures of modernization and improvements in social and economic human rights. Though other interpretations can be offered for the dramatic differences in PQLI scores across regions, this one seems to be most plausible. It suggests that the intense commitment to modernization and the extensive patterns of foreign assistance transfers that characterized Asia and Latin America in the 1950s and 1960s, following on long periods of less intensive modernizations pressures, may well have shown results only during the 1970s in terms of the diffusion of social and economic benefits throughout the population. This would suggest that important changes may well be now taking place in Africa and the Middle East, but that they might not begin to show up in dramatic improvements in PQLI scores for at least another decade, irrespective of the public policy efforts of individual governments.

Finally, these data suggest that social and economic human rights can be seen as a process of diffusion. PQLI scores reflect the extent to which three very basic requirements are spread throughout a society. An extensive body of literature on diffusion of innovation documents the complexity of the process by which even the most appealing of new ideals spreads within a society, whether the United States or India.

Through governments can develop the bureaucracies and the programs to foster education, child health, and basic medical care, the spread of the use of those facilities may well be determined by social dynamics and forces that are largely beyond the control of government programs.

Clearly, the preliminary study that yields these suggestive findings will have to be refined and replicated over a number of years before definitive evidence can be produced. Nevertheless, it provides some indication of the kind of process that would be necessary to begin to establish realistic expectations for civil and political and for violation of the person categories of human rights. In those cases, however, the patterns are almost certainly to be different, since factors other than per capita GNP and region are likely to determine levels of performance. In those areas as well, however, it may turn out that short term government policy decisions have much less to do with determining what can reasonably be expected than do other forces over which governments have minimal impact. This will not necessarily invalidate human rights policies, however, because such findings may make it more practicable to identify a limited number of countries whose policies are grossly inconsistent with the levels of expectations that their cultural, developmental, and ideological circumstances would suggest.

APPENDIX

Measuring Social and Economic Human Rights Conditions*

The country reports in this volume are based on the relatively broad three-part definition of human rights suggested by legislation and Secretary of State Cyrus Vance in an address delivered at the University of Georgia Law School on April 30, 1977.

As has been noted, a major problem in compiling these reports has been the lack of truly comparable data for the 19 countries surveyed, and the grave inadequacies in both quantity and reliability of what data are available on many countries. A wide range of conventional sources--journalistic accounts, reports of human rights organizations, and official documents--has been used in developing these country reports, and every effort has been made to be as responsible as possible in assessing the reliability of and extent of corroboration for reports of conditions in individual countries. Nevertheless, serious questions arise as to whether the data available are adequate to serve as a basis for public policy making.

In the discussions of social and economic human rights, the impressionistic accounts of conventional sources have been supplemented by references to the results of a recent effort to devise a quantitative index of basic physical well-being. The Physical Quality of Life Index (PQLI), developed by Dr. David Morris for the Overseas Development Council, measures the levels of literacy, infant mortality, and life expectancy in countries throughout the world. Efforts to use this index for measurement of social

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and economic human rights conditions is instructive because it raises a set of complex and difficult questions that will face future efforts to develop and assess more reliable data on this, as well as other aspects, of human rights conditions. The following discussion of problems in application of the PQLI both informs evaluation of the data in the country reports and illustrates some of the problems involved in systematic assessment of human rights conditions.

The Physical Quality of Life Index (PQLI) was developed to provide a measure of development that was independent of such aggregate measures of income as per capita GNP. The index gives equal value to literacy, infant mortality and life expectancy, rating the highest and lowest countries on each criterion as 100 and 1 respectively, and then assigning other countries appropriate scores in between. A country's composite score for the three measures is then divided by three to provide its PQLI. Sweden ranks at the top on all three measures and emerges with 100; Guinea-Bissau has the lowest composite score, but was not at the bottom of all three measures, so emerges with a PQLI of 10.

The PQLI is subject to many criticisms. It is challenged on methodological grounds because of inadequacies in weighing the three elements in the index; because its categories are overlapping--or contaminated, in the social scientist's vocabulary--in that deaths in the birth to one year period are counted twice, in infant mortality calculations and in life expectancy calculations; and because it does not meet the criteria that social scientists use for combining several measures into a single scale. It is challenged on

substantive grounds because it places what many argue is excessive emphasis on public health, it ignores the benefits of an advanced society--mass media, transportation, quality of housing and clothing are examples--and it over-emphasizes distributive values.

The Overseas Development Council has revised the method for calculating the index since it was first published in The United States and World Development 1977. The contamination problem has been eliminated and some of the most obvious scaling problems have been addressed, but methodologists are likely to view the PQLI with continuing skepticism.

More important, however, is to understand clearly what is being measured by the PQLI. The construction of the index is such that it places very high value on distributive equity. In a society that has a high degree of literacy, the cost of achieving literacy among the few remaining illiterates is generally much higher than that of increasing literacy by the same amount in a society in which only a small portion of the population can already read. Similarly, the cost of raising life expectancy from 28 to 38 in one society is likely to be much lower than that of raising it from 65 to 75 in a country of the same size, but both changes would produce the same impact on PQLI. Implicit in the PQLI, then, is the philosophy that these basic human needs--or human rights--should be widely diffused throughout a society as a first priority of social and economic policy.

PQLI is clearly related, however, to the resources available in a society to meet these basic needs. One would expect that countries with higher per capita GNPs would have higher PQLIs. The PQLI measure-

ment--and an emphasis on social and economic human rights--thus implicitly supports social and economic policies of investment in massive primary education and basic public health facilities. In resource poor countries, however, questions must be raised as to the point at which those resources might not better be used in forms of investment that would have higher rates of return as measured in economic growth. Though the traditional conventional wisdom that there is a trade-off between investment in distributive equity and growth has recently come under serious challenge, there is certainly little evidence that heavy investment in basic human needs as measured in the PQLI will necessarily yield anything approaching optimal growth rates.

These qualifications and limitations notwithstanding, the PQLI can make a useful contribution to our understanding of both the development process and the extent to which social and economic human rights are being satisfied in different societies. It does provide a simple and readily understandable measure of the extent to which certain basic qualities of life have permeated a society. Certainly the index ought to be evaluated in conjunction with the more conventional measures of economic growth and gross national product. It makes it possible, however, to move a discussion of social and economic human rights in a variety of countries out of the realm of speculation, impression, and illustration and into quantitative comparison.

A central question for the use of PQLI as a measure of social and economic human rights, however, is one of norms. What score should one expect a country to obtain? Though one can establish arbitrarily a score

to represent a minimally acceptable PQLI, it is perhaps somewhat more useful to see individual countries in relation to each other. Thus, for 138 countries reviewed for this study the mean PQLI is 58.66. It is useful to be able to identify a country as being above or below that level, in the top 10 percent of countries, and by similar measures based on comparisons with the whole group of countries.

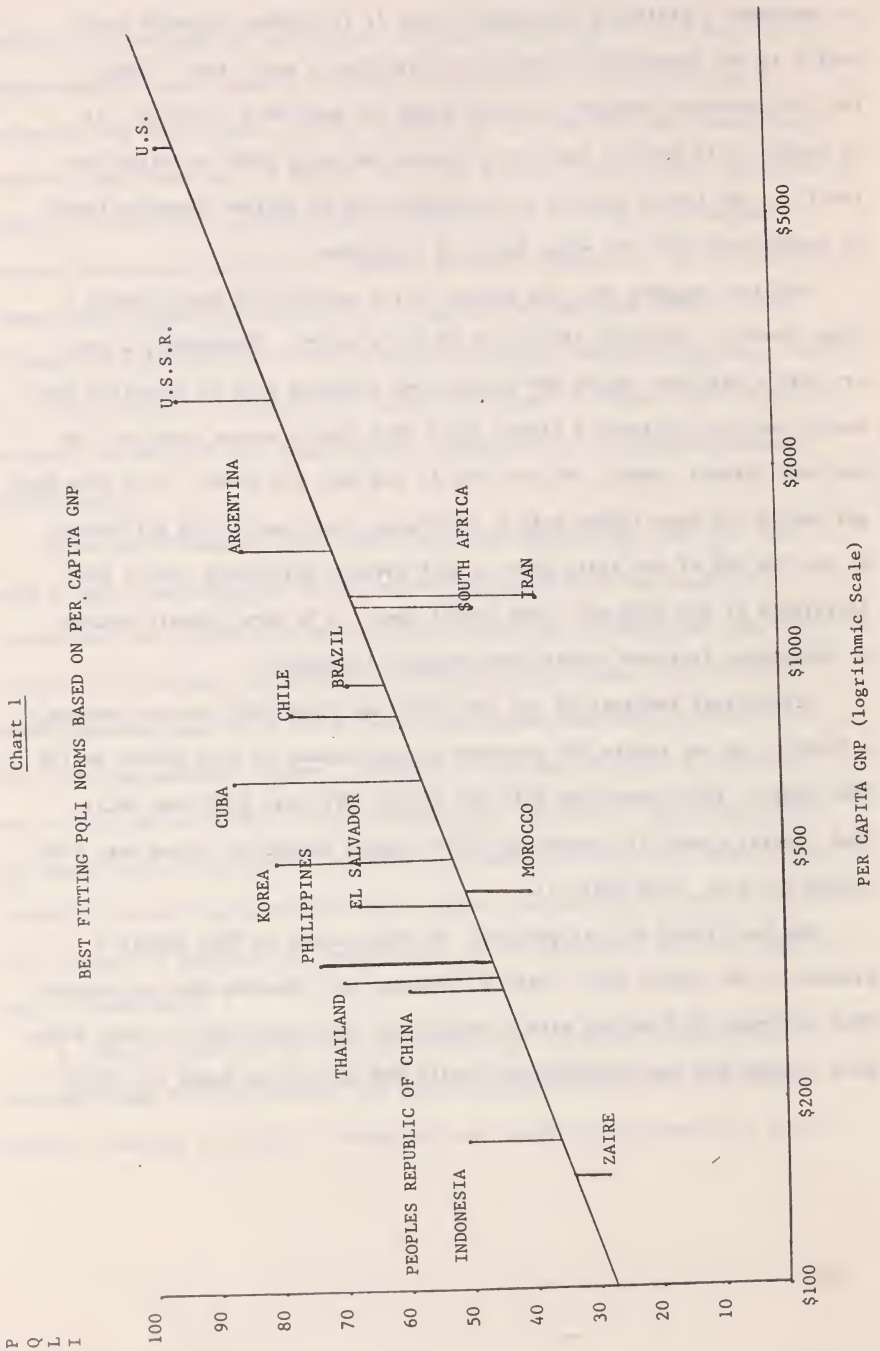
Realism suggests that the answer to the question of norms should also, however, relate to the wealth of the country. Presumably, a country with a high per capita GNP should have invested more in education and health and have achieved a higher level PQLI than a poorer country. But how much higher? Again, one can look to the data for norms. They show that per capita GNP does indeed make a difference, but that a \$100 difference at the low end of the scale makes a much greater difference than a \$100 difference at the high end. The impact seems to be more closely related to percentage increase rather than absolute increases.

Statistical analysis of our 138 countries shows that, on the average, a doubling of per capita GNP produces an improvement of 10.8 points on the PQLI scale. Thus, countries with per capita GNPs near \$100 have PQLIs that cluster around 29, those near \$200 cluster around 40, those near \$400 around 51, etc. (see chart 1).

But how strong is this pattern? To what extent is PQLI simply a product of per capita GNP? Posed a different way, knowing that in general PQLI increases 10.8 points with a doubling of per capita GNP, to what extent does knowing any one country's per capita GNP help us to guess its PQLI?

Chart 1

BEST FITTING POLI NORMS BASED ON PER CAPITA GNP



If we don't know per capita GNP figures our best strategy is to guess the mean PQLI score. If we did this for a series of countries selected randomly, our average error would be about 25 points. Knowing per capita GNP, our best strategy is to guess the PQLI score at the appropriate per capita GNP level on the line on chart 1. If we did this our average error would be about 16 points. We can, in short, reduce our error by about 40%.

Social scientists go through a similar process when they determine that a certain percent of the "variance" in a pattern--of PQLI scores, in this case--can be "explained" by another pattern--per capita GNP scores. In determining such a statistic, however, they square each "error" so that the larger errors count proportionately more heavily than do the smaller ones.

When this procedure is followed with these data, the finding is that 51% of the variance in PQLI scores can be explained by per capita GNP.

Norms for PQLI scores that are based on per capita GNP provide more reasonable standards for evaluating a country's performance than do norms based on arbitrary figures or means for all countries. A preliminary examination of countries' PQLI scores relative to per capita GNP norms, however, showed that the great majority of Western, Latin, and Asian countries were above their norms, while most African and Middle Eastern nations were below their norms. This suggested that other factors in addition to per capita GNP and government policy may well be important in determining PQLI scores. Differences in culture was one obvious possibility, but the recentness of a region's early economic growth was another. It seemed possible that changes measured by PQLI would take place as a consequence of or as a part

of broad patterns of economic growth, but that it would take longer to achieve such results than to achieve per capita GNP growth.

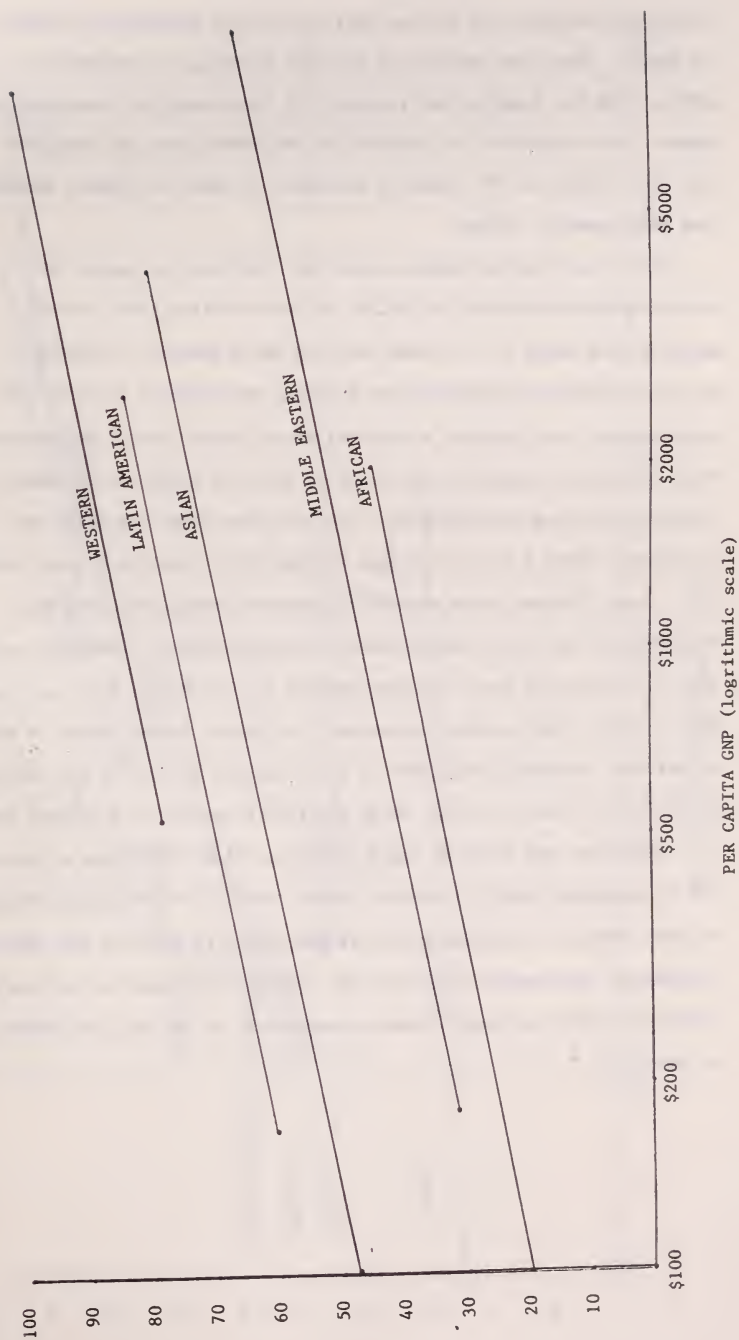
Separating the 138 countries out into five major regional cultural groupings and then looking at the relation between per capita GNP and PQLI strikingly confirmed the importance of regional-cultural factors in determining PQLI. Indeed, knowing countries' per capita GNP and region, one can reduce the average error in guessing their PQLIs to 7.62 points. In other words, these two factors explain 81% of the variation in PQLI scores. The specific patterns within regional-cultural groupings help to explain the significance of these factors.

One issue is the extent to which the PQLI scores are higher or lower from one region to another, within the same per capita GNP range. The best-fitting set of norms in which PQLI scores for all regions increase at the same rates as rises in per capita GNPs are shown in chart 2. They show that, for countries at per capita GNPs of \$1000, for example, the PQLI norm in Africa is only 38, whereas in Western countries the norm is 84, a difference of 46 points. Scores in the Middle east run only 8 points above Africa. Latin America comes closest to the Western norms--8 points below--and Asia 8 more points below Latin America. There is then a 22 point gap separating Asia from the Middle East.

These findings are subject to a variety of interpretations. One plausible, general statement, however, would be that there does seem to be an important lag effect whereby PQLI scores improve as a part of the

Chart 2

BEST FITTING PQLI NORMS BASED ON PARALLEL PER CAPITA GNP PATTERNS, BY REGION



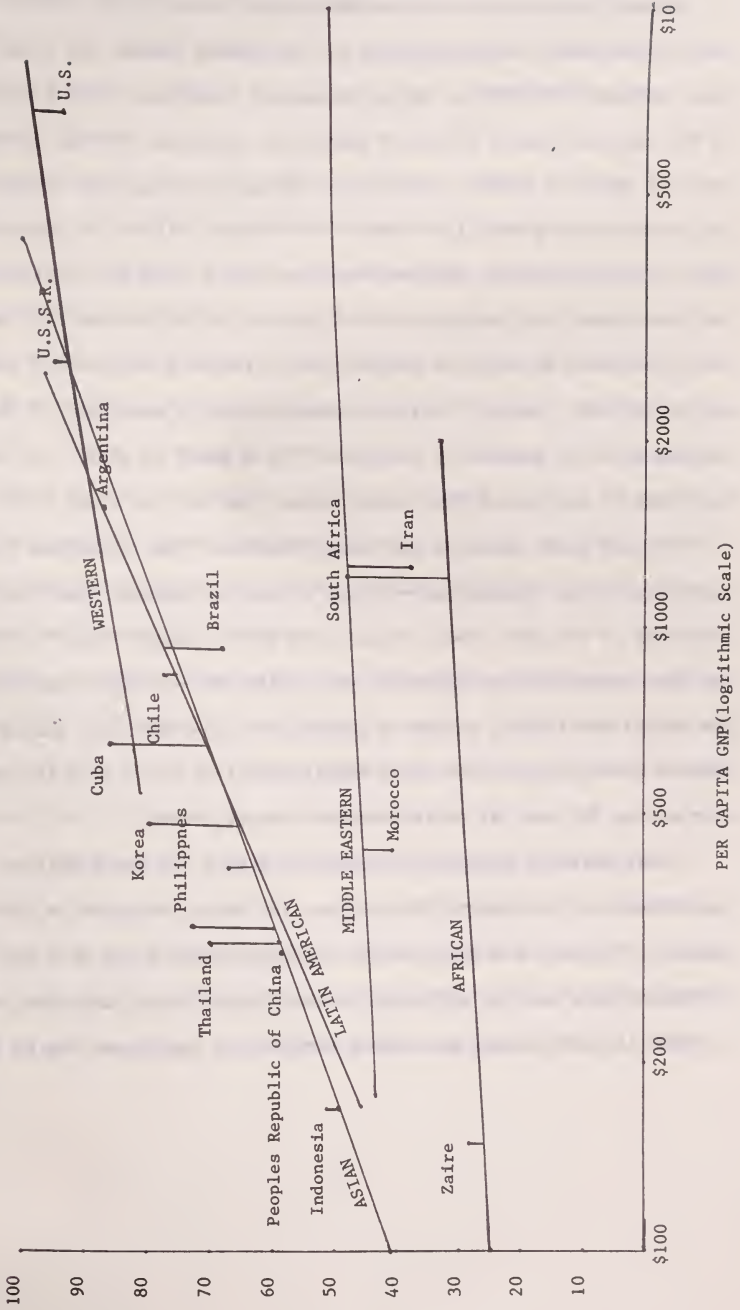
development process, but show up only years after development efforts are begun. Thus, the ordering of regional groupings is generally consistent with the duration and intensity of involvement in developmental change. The relatively low position of the Middle East may additionally be a product of the relative isolation of women in Islamic societies from developmental change.

Where the relation between countries' PQLI and per capita GNP are considered separately by region, the best-fitting norms are not parallel (see chart 3). In both Asia and Latin America, increases in per capita GNP are associated with dramatic improvements in PQLI. In Latin America, for example, a doubling of per capita GNP is associated with a 13 point increase in PQLI, and in Asia the figure is 11 points. In both Africa and the Middle East, on the other hand, the gains are much lower, under 2 points increase in PQLI for a doubling of per capita GNP. These findings again support the general proposition that PQLI improvements lag behind improvements in per capita GNP. Countries near \$200 per capita GNP level in Latin America and the Middle East have similar PQLI scores. They increase dramatically at higher income levels in more established developing countries of Latin America but not in the countries of the Middle East or Africa, where the greater wealth is much more recent.

In Europe, the slope is again relatively flat--a doubling of per capita GNP is associated with a 5 percent growth in PQLI. In this case, however, the more advanced countries score systematically in the 90's and additional incremental improvements in scores are extremely difficult to achieve where literacy is near universal, life expectancy is in the 70s, and infant mortality is very low.

Chart 3

BEST FITTING POLI NORMS BASED ON PER CAPITA GNP, WITHIN REGIONS



PER CAPITA GNP (logarithmic Scale)

Though the slope of the norm for western countries is similar for that of the Middle East and Africa the patterning around the norms is again radically different. Among 32 western countries, with a mean PQLI of 94, one could guess scores of individual countries with an average error of only 3.4 points, and could, knowing per capita GNP levels, reduce the error to 2.1 points (per capita GNP explains 71% of the variance in PQLI). Among 19 Middle Eastern countries with a mean PQLI of 47.6 on the other hand, the average error of guesses of PQLI scores for individual countries would be about 13 points, and it wouldn't help at all to know per capita GNP. Among 40 African countries with a mean PQLI of 26.6, the average error in guesses of individual PQLIs would be about 7.2, and knowledge of per capita GNPs would reduce that only to about 7.0.

In both Latin American and Asian countries, the variations in PQLI scores are quite substantial--average errors for guesses based only on knowledge of the mean scores would be 13 and 21 respectively--but they are also substantially related to per capita GNP--knowing norms based on per capita GNP levels, errors in guesses of individual PQLI scores can be reduced from 13 to 8.5 for Latin America and from 21 to 11.3 for Asia (explaining 54% and 58% of the variance respectively).

These patterns suggest that while in Africa and the Middle East improvements in per capita GNP have not yet begun to impact on the diffusion of literacy and basic health, in Latin America and Asia the impact is demonstrable and the diffusion of these basic social and human rights in countries with higher per capita GNPs is, in comparison, quite impressive.

A reasonable inference from these data, then, is that improvements in basic social and economic human rights do follow as a result of economic growth, but that there is a very significant lag; one that perhaps must be measured in decades.

The two factors of per capita GNP and regions, provide a way of establishing norms for PQLIs of individual countries that take economic growth--and growth lag--into account. The importance of these two factors in understanding PQLI scores is vividly illustrated by the analogy of guessing individual PQLI scores. Estimating scores for 138 countries on the basis of the mean score for the group would produce an average error of 24.7 points. Using norms based only on per capita GNP, the average error would be reduced to about 18 points. Using norms based only on the mean scores of the countrys' region, the average error would be only 10.2 points. Using norms based on per capita GNP levels and the countrys' regions, the average error would be only 7.6 points.

This means that 81% of the variance in PQLI scores can be understood as resulting from differences in per capita income and differences in region--presumably reflecting broad historical differences in exposure to modernization pressures and differences in cultural patterns.

These two factors don't tap additional ecological factors that are bound to have further impacts on PQLI. At comparable levels of per capita GNP and with the same continental region, differences in climate and disease patterns may dramatically effect life expectancy and infant mortality largely independent of social policy. Lesotho, Botswana, and Swaziland all score

well above the African mean, and though that may reflect enlightened British policy, it seems likely also to reflect the radical differences in ecology between those countries and countries of the Sahel and the western coastal regions of Africa that have comparable per capita GNPs, but much lower PQLIs.

Another example of ecology may well be "the island effect." Sri Lanka, Cuba, Malagasy and Granada are just the most striking examples of a general pattern in which many islands seem to score well above the norms for their regions and per capita GNP. This may be a product of health-related ecology, but it could also reflect distinctive patterns of exposure to force of modernization.

What then, of public policy? Does this suggest that the social and distributive policies followed by an individual regime are not significant in enhancing economic and social human rights? Certainly not. It does suggest however, three cautions: First, because other factors not related in the short term to public policy decisions are so influential in shaping PQLI, great caution must be used in attributing differences to public policy. Second, because the time required for PQLI changes to show up is quite substantial, care must be taken in rejecting policies--or regimes--because they don't seem to produce hope for changes in PQLI in the short term. And third, considerable significance may have to be given to increases in per capita GNP even if they are not accompanied by increases in PQLI on the grounds that the impact on PQLI may well show up at a later time.

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